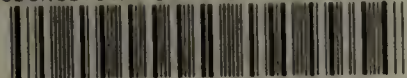



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How Our Laws Are Made

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Revised and Updated

By

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United States House of Representatives



PRESENTED BY MR. BROOKS

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HOW OUR LAWS ARE MADE

I. Introduction

This handbook is intended to provide a readable and nontechnical outline of the background and the numerous steps of our Federal lawmaking process from the origin of an idea for a legislative proposal through its publication as a statute. This is a matter about which every citizen should be well informed so as to be able to understand the everyday news reports and discussions concerning the work of Congress.

It is hoped that this handbook will enable every citizen to gain a greater understanding of the Federal legislative process and its role as one of the bulwarks of our representative system. One of the most practical safeguards of the American democratic way of life is this legislative process that, with its emphasis on the protection of the minority, gives ample opportunity to all sides to be heard and make their views known. The fact that a proposal cannot become a law without consideration and approval by both Houses of Congress is an outstanding virtue of our legislative system. Open and full discussion provided for under our Constitution frequently results in the notable improvement of a bill by amendment before it becomes law, or the defeat of a bad proposal.

Because the large majority of laws originate in the House of Representatives, this discussion will be directed principally to the procedure in that body.

II. The Congress

Article I, Section 1, of the United States Constitution, provides that—

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The Senate is composed of 100 Members—2 from each State, irrespective of population or area—elected by the people in conformity with the provisions of the 17th Amendment to the Constitution. That amendment changed the former Constitutional method under which Senators were chosen by the respective State legislatures. A Senator must be at least 30 years of age, have been a citizen of the United States for 9 years, and, when elected, be a resident of the State for which the Senator is chosen. The term of office is 6 years and one-third of the total membership of the Senate is elected every second year. The terms of both Senators from a particular State are so arranged that they do not terminate at the same time. Of the 2 Senators from a State serving at the same time the one who was elected first—or if both were elected at the same time, the one elected for a full term—is referred to as the “senior” Senator from that State. The other is referred to as the “junior” Senator. If a Senator dies or resigns during the term, the governor of the State must call a special election unless the State legislature has authorized the governor to appoint a successor until the next election, at which time a successor is elected for the balance of the term. Most of the State legislatures have granted their governors the power of appointment.

Each Senator has one vote.

As constituted in 1989—the 101st Congress—the House of Representatives is composed of 435 Members elected every 2 years from among the 50 States, apportioned to their total populations. The permanent number of 435 was established following the Thirteenth Decennial Census in 1910, as directed in Article I, Section 2, of the Constitution, and was increased temporarily to 437 for the 87th Congress, to provide for one Representative each for Alaska and Hawaii. It seems undesirable to make a considerable increase in the number of Members, because a larger body, similar to the British House of Commons, consisting of 650 members, would be too unwieldy. The Constitution limits the number of Representatives to not more than one for every 30,000 of population, and, under a former apportionment in one State a particular Representative represented more than 900,000 constituents, while another in the same State was elected from a district having a population of only 175,000. The Supreme Court ¹ has since held unconstitutional a Missouri statute permitting a

¹ *Kirkpatrick v. Preisler*, 394 U.S. 526 (1969).

maximum population variance of 3.1 percent from mathematical equality. The Court said that the variances among the districts were not unavoidable and, therefore, were invalid. This is an interpretation of the Court's earlier decision that "as nearly as is practicable one man's vote in a Congressional election is to be worth as much as another's".

A law enacted in 1967 abolished all "at-large" elections (that is, Representatives elected by the voters of the entire State rather than in a Congressional district within the State) except, of course, in States entitled to only one Representative.

A Representative must be at least 25 years of age, have been a citizen of the United States for 7 years, and, when elected, be a resident of the State in which the Representative is chosen. If a Representative dies or resigns during the term, the governor of the State must call a special election for the choosing of a successor to serve for the unexpired portion of the term.

Each Representative has one vote.

In addition to the Representatives from each of the States, there is a Resident Commissioner from the Commonwealth of Puerto Rico and Delegates from the District of Columbia, American Samoa, Guam, and the Virgin Islands. The Resident Commissioner and the Delegates have most of the prerogatives of Representatives, with the important exception of the right to vote on matters before the House.

Under the provisions of Section 2 of the 20th Amendment to the Constitution, Congress must assemble at least once every year, at noon on the 3d day of January, unless by law they appoint a different day.

A Congress lasts for 2 years, commencing in January of the year following the biennial election of Members, and is divided into 2 sessions.

Unlike some other parliamentary bodies, both the Senate and the House of Representatives have equal legislative functions and powers (except that only the House of Representatives may initiate revenue bills), and the designation of one as the "upper" House and the other as the "lower" House is not appropriate.

The Constitution authorizes each House to determine the rules of its proceedings. Pursuant to that authority the House of Representatives adopts its rules on the opening day of each Congress. The Senate, which considers itself a continuing body, operates under standing rules that it amends from time to time.

The chief function of Congress is the making of laws. In addition, the Senate has the function of advising and consenting to treaties and to certain nominations by the President. In the matter of impeachments, the House of Representatives presents the charges—a function similar to that of a grand jury—and the Senate sits as a court to try the impeachment. Both Houses meet in joint session on the 6th day of January, following a presidential election, to count the electoral votes. If no candidate receives a majority of the total electoral votes, the House of Representatives chooses the President from among the 3 candidates having the largest number of votes, and the Senate chooses the Vice President from the 2 candidates having the largest number of votes for that office.

III. Sources of Legislation

Sources of ideas for legislation are unlimited, and proposed drafts of bills originate in many diverse quarters. First of these is, of course, the idea and draft conceived by a Member. This may emanate from the election campaign during which the Member had promised to introduce legislation on a particular subject, if elected. The entire campaign may have been based upon one or more such proposals. Or, through experience after taking office the Member may have become aware of the need for amendment or repeal of existing laws or the enactment of a statute in an entirely new field.

In addition, the Member's constituents—either as individuals or by corporate activity such as citizen groups or associations, bar associations, labor unions, manufacturers' associations, and chambers of commerce—may avail themselves of the right to petition, which is guaranteed by the First Amendment to the Constitution, and transmit their proposals to the Member. Many excellent laws have originated in this way inasmuch as some of those organizations, because of their vital concern with various areas of legislation, have considerable knowledge regarding the laws affecting their interests and have the services of expert legislative draftsmen at their disposal for this purpose. If favorably impressed by the idea, the Member may introduce the proposal in the form in which it has been submitted or may first redraft it. In all events, the Member may consult with the Legislative Counsel of the House or the Senate, as the case may be, to frame the ideas in suitable legislative language and form for introduction.

In modern times the "executive communication" has become a prolific source of legislative proposals. This is usually in the form of a letter from a member of the President's Cabinet or the head of an independent agency—or even from the President—transmitting a draft of a proposed bill to the Speaker of the House of Representatives and the President of the Senate. Despite the system of separation of powers, Article II, Section 3, of the Constitution imposes an obligation on the President to report to Congress from time to time on the "State of the Union" and to recommend for consideration such measures as the President considers necessary and expedient. Many of these executive communications follow on the President's message to Congress on the State of the Union. The communication is then referred to the standing committee having jurisdiction of the subject matter embraced in the proposal because a bill may be introduced only by a Member of Congress. The Chairman of that committee usually introduces the bill promptly either in the form in which it was received or with changes the Chairman considers necessary or desirable. This practice prevails even when the majority of the House and the President are not of the same political party, although there is no constitutional or statutory requirement that a bill be introduced to effectuate the recommendations. Otherwise, the message may be considered by the committee or one of its subcommittees to determine whether a bill should be introduced.

The most important of the regular executive communications is the annual message from the President transmitting the proposed budget to Congress. This, together with testimony by officials of the various branches of the Government before the Appropriations Committees of the House and Senate, is the basis of the several appropriation bills that are drafted by the Committee on Appropriations of the House.

Several of the executive departments and independent agencies have staffs of trained legislative counsels whose functions include the drafting of bills to be forwarded to Congress with a request for their enactment.

The drafting of statutes is an art that requires great skill, knowledge, and experience. In some instances a draft is the result of a study covering a period of a year or more by a commission or committee designated by the President or one of the Cabinet officers. The Administrative Procedure Act and the Uniform Code of Military Justice are only 2 of many examples of enactments resulting from such studies. In addition, Congressional committees sometimes draft bills after studies and hearings covering periods of a year or more. Bills to codify the laws relating to crimes and criminal procedure, the judiciary and judicial procedure, the armed forces, and other subjects, have each required several years of preparation.

IV. Forms of Congressional Action

The work of Congress is initiated by the introduction of a proposal in one of 4 principal forms. These are: the bill, the joint resolution, the concurrent resolution, and the simple resolution. By far the most customary form used in both Houses is the bill. During the 100th Congress (1987-1988), there were introduced in both Houses, 8,515 bills and 1,073 joint resolutions. Of this number 5,585 bills and 678 joint resolutions originated in the House of Representatives.

For the sake of simplicity this discussion will be confined generally to the procedure on a House of Representatives bill, but a brief comment will be made about each of the forms.

BILLS

A bill is the form used for most legislation, whether permanent or temporary, general or special, public or private.

The form of a House bill is as follows:

A BILL

For the establishment, etc. [as the title may be].

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, etc.

The enacting clause was prescribed by law in 1871 and is identical in all bills, whether they originate in the House of Representatives or in the Senate.

Bills may originate in either the House of Representatives or the Senate, with one notable exception provided for by the Con-

stitution. Article I, Section 7, of the Constitution, provides that all bills for raising revenue shall originate in the House of Representatives but the Senate may propose or concur with amendments, as on other bills. General appropriation bills also originate in the House of Representatives.

There are 2 types of bills—public and private. A public bill is one that affects the public generally. (See Fig. 1, p. 52.) A bill of a private character, that is, a bill that affects an individual rather than the population at large, is called a private bill. (See Fig. 14, p. 68.) A private bill is used for relief in matters such as immigration and naturalization and claims by or against the United States.

Article I, Section 8, prescribes the matters concerning which Congress may legislate, while Section 9 of the same Article places certain limitations on Congressional action.

A bill originating in the House of Representatives is designated by the letters "H.R." followed by a number that it retains throughout all its parliamentary stages. The letters signify "House of Representatives" and not, as is sometimes supposed, "House resolution". A Senate bill is designated by the letter "S." followed by its number. The term "companion bill" is used to describe a bill introduced in one House of Congress that is similar or identical to a bill introduced in the other House of Congress. (See Fig. 2, p. 53.)

A bill that has been agreed to in identical form by both bodies becomes the law of the land only after—

- (1) Presidential approval (See Fig. 10, pp. 62 and 63); or
- (2) failure by the President to return it with objections to the House in which it originated within 10 days while Congress is in session (See Fig. 12, p. 66); or
- (3) the overriding of a Presidential veto by a two-thirds vote in each House. (See Fig. 13, p. 67.)

It does not become law without the President's signature if Congress by their adjournment prevent its return with objections. This is known as a "pocket veto".

JOINT RESOLUTIONS

Joint resolutions may originate either in the House of Representatives or in the Senate—not, as may be supposed, jointly in both Houses. There is little practical difference between a bill and a joint resolution and, although the latter are not as numerous as bills, the 2 forms are often used indiscriminately. Statutes that have been initiated as bills have later been amended by a joint resolution, and vice versa. Both are subject to the same procedure—with the exception of a joint resolution proposing an amendment to the Constitution. When a joint resolution amending the Constitution is approved by two-thirds of both Houses, it is sent directly to the Archivist of the United States for submission to the several States for ratification. It is not presented to the President for approval.

The form of a House joint resolution is as follows:

JOINT RESOLUTION

Authorizing, etc. [as the title may be].

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all, etc.

The resolving clause is identical in both House and Senate joint resolutions, having been prescribed by statute in 1871. It is frequently preceded by one or more "whereas" clauses indicating the necessity for or the desirability of the joint resolution.

The term "joint" does not signify simultaneous introduction and consideration in both Houses.

A joint resolution originating in the House of Representatives is designated "H.J. Res." followed by its individual number which it retains throughout all its parliamentary stages. One originating in the Senate is designated "S.J. Res." followed by its number.

Joint resolutions become law in the same manner as bills.

CONCURRENT RESOLUTIONS

Matters affecting the operations of both Houses are usually initiated by means of concurrent resolutions. In modern practice, these normally are not legislative in character but are used merely for expressing facts, principles, opinions, and purposes of the 2 Houses. They are not equivalent to a bill and their use is narrowly limited within these bounds.

The term "concurrent" does not signify simultaneous introduction and consideration in both Houses.

A concurrent resolution originating in the House of Representatives is designated "H. Con. Res." followed by its individual number, while a Senate concurrent resolution is designated "S. Con. Res." together with its number. On approval by both Houses, they are signed by the Clerk of the House and the Secretary of the Senate and transmitted to the Archivist of the United States for publication in a special part of the Statutes at Large volume covering that session of Congress. They are not presented to the President for action as in the cases of bills and joint resolutions unless they contain a proposition of legislation, and that, of course, is not within their scope in their modern form.

SIMPLE RESOLUTIONS

A matter concerning the operation of either House alone is initiated by a simple resolution. A resolution affecting the House of Representatives is designated "H. Res." followed by its number, while a Senate resolution is designated "S. Res." together with its number. They are considered only by the body in which they were introduced and on adoption are attested to by the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, and are published in the Congressional Record.

V. Introduction and Reference to Committee

Any Member, the Resident Commissioner, and the Delegates in the House of Representatives may introduce a bill at any time while the House is actually sitting by simply placing it in the "hopper" provided for the purpose at the side of the Clerk's desk in the House Chamber. Permission is not required to introduce the measure or to make a statement at the time of introduction. Printed blank forms for use in typing the original bill are supplied through the Clerk's office. The name of the sponsor is endorsed on the bill. A public bill may be sponsored by an unlimited number of Members. On request, a Member may be added as a sponsor no later than the day the bill is reported to the House. (For a discussion of "Reported bills", see Part VII.) In addition, a Member listed as a sponsor (other than the first sponsor) may have the Member's name deleted as a sponsor no later than the day the bill is reported to the House. To forestall the possibility that a bill might be introduced in the House on behalf of a Member without that Member's prior approval, the sponsoring Member's signature must appear on the bill before it is accepted for introduction. When there are multiple sponsors of a bill, the signature must be that of the Member first named thereon. In the Senate, unlimited multiple sponsorship of a bill also is permitted. Occasionally, a Member may insert the words "by request" after the Member's name to indicate that the introduction of the measure is in compliance with the suggestion of some other person.

In the Senate, a Senator usually introduces a bill or resolution by presenting it to one of the clerks at the Presiding Officer's desk, without commenting on it from the floor of the Senate. However, a Senator may use a more formal procedure by rising and introducing the bill or resolution from the floor. A Senator usually makes a statement about the measure when introducing it on the floor. Frequently, Senators obtain consent to have the bill or resolution printed in the body of the Congressional Record, following their formal statement.

If any Senator objects to the introduction of a bill or resolution, the introduction of the bill or resolution is postponed until the next day. If there is no objection, the bill is read by title and referred to the appropriate committee.

In the House of Representatives it is no longer the custom to read bills—even by title—at the time of introduction. The title is entered in the Journal and printed in the Congressional Record, thus preserving the purpose of the old rule. The bill is assigned its legislative number by the Clerk and referred to the appropriate committees by the Speaker (the Member elected to be the Presiding Officer of the House) with the assistance of the Parliamentarian. These details appear in the daily issue of the Congressional Record. It is then sent to the Government Printing Office where it is printed in its introduced form, and printed copies are available shortly thereafter in the document rooms of both Houses. (See Fig. 1, p. 52.)

One copy is sent to the office of the Chairman of the committee to which it has been referred, for action by that committee. The clerk of the committee enters it on the committee's Legislative Calendar.

Perhaps the most important phase of the Congressional process is the action by committees. That is where the most intensive consideration is given to the proposed measures and where the people are given their opportunity to be heard. Nevertheless, this phase where such a tremendous volume of hard work is done by the Members is sometimes overlooked by the public, particularly when complaining about delays in enacting laws. There are, at present, 22 standing committees in the House and 16 in the Senate, as well as several select committees. In addition, there are several standing joint committees of the 2 Houses.

Each committee has jurisdiction over certain subject matters of legislation and all measures affecting a particular area of the law are referred to that committee that has jurisdiction over it. For example, the Committee on the Judiciary has jurisdiction over measures relating to judicial proceedings (civil and criminal) generally, and 18 other categories, of which Constitutional amendments, immigration and naturalization, bankruptcy, revision and codification of statutes, civil liberties, antitrust, patents, copyrights and trademarks, are but a few. In all, the rules of the House and of the Senate each provide for approximately 200 different classifications of measures that are to be referred to committees.

Membership on the various committees is divided between the 2 major political parties. The proportion of the Members of the minority party to the Members of the majority party is determined by the majority party, except that one-half of the Members on the Committee on Standards of Official Conduct are from the majority party and one-half from the minority party. The respective party caucuses nominate Members of the caucus to be elected to each standing committee at the beginning of each Congress. Membership on a standing committee during the course of a Congress is contingent on continuing membership in the caucus that nominated the Member for election to the committee. If the Member ceases to be a Member of the caucus, the Member automatically ceases to be a Member of the standing committee.

A Member may serve on more than one committee. However, the rules of the caucus of the majority party in the House provide that the Chairmen of certain committees may not serve on another committee and that a Member may be Chairman of only one subcommittee of a committee or select committee with legislative jurisdiction, excepting certain committees performing housekeeping functions and joint committees.

A Member usually seeks election to the committee that has jurisdiction over a field in which the Member is most qualified and interested. For example, the Committee on the Judiciary traditionally is composed entirely of lawyers. Many Members are nationally recognized experts in the specialty of their particular committee or subcommittee.

Members rank in seniority in accordance with the order of their appointment to the committee, and usually the ranking majority Member is elected Chairman. The rules of the House require that committee Chairmen be elected from nominations submitted by the majority party caucus at the commencement of each Congress.

Most committees have 2 or more subcommittees that, in addition to having general jurisdiction, specialize in the consideration of particular classifications of bills. Each standing committee of the House, except the Committee on the Budget, that has more than 20 Members must establish at least 4 subcommittees.

Each committee is provided with a professional and clerical staff to assist it in the innumerable administrative details and other problems involved in the consideration of bills. For the standing committees, the professional staff (consisting of not more than 18, 6 of whom may be selected by the minority) is appointed on a permanent basis solely on the basis of fitness to perform the duties of their respective positions. The clerical staff (consisting of not more than 12, 4 of whom may be selected by the minority) is appointed to handle correspondence and stenographic work for the committee staff and the Chairman and ranking minority Member on matters related to committee work. All staff appointments are made by a majority vote of the committee without regard to race, creed, sex, or age. The minority staff provisions do not apply to the Committee on Standards of Official Conduct because of its bipartisan nature. The Committee on Appropriations and the Committee on the Budget have special authority under the rules of the House for appointment of staff and assistants for the minority.

Under certain conditions, a standing committee may appoint consultants on a temporary or intermittent basis and also may provide financial assistance to members of its professional staff for the purpose of acquiring specialized training, whenever the committee determines that such training will aid the committee in the discharge of its responsibilities.

VI. Consideration by Committee

The rules adopted by the caucus of the majority party in the House provide that the Chairman of the committee to which a bill has been referred must refer the bill to the appropriate subcommittee within 2 weeks, unless a majority of the Members of the majority party on the committee vote to have the bill considered by the full committee. One of the first actions taken is the transmittal of copies of the bill to the departments and agencies concerned with the subject matter and frequently to the General Accounting Office with a request for an official report of views on the necessity or desirability of enacting the bill into law. Ample time is given for the submission of the reports and when received they are accorded serious consideration but are not binding on the committee in determining whether or not to act favorably on the bill. Reports of the departments and agencies in the executive branch are submitted first to the Office of Man-

agement and Budget to determine whether they are consistent with the program of the President.

COMMITTEE MEETINGS

Standing committees are required to have regular meeting days at least once a month, but the Chairman may call and convene additional meetings. Three or more Members of a standing committee may file with the committee a written request that the Chairman call a special meeting. The request must specify the measure or matter to be considered. If the Chairman fails, within 3 calendar days after the filing of the request, to call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the Members of the committee may call the special meeting by filing with the committee written notice specifying the time and date of the meeting and the measure or matter to be considered.

With the exception of the Committees on Appropriations, on the Budget, on Rules, on Standards of Official Conduct, on Ways and Means, and on House Administration, committees may not, without special permission, meet while the House is reading a measure for amendment under the "five-minute rule". (See first paragraph under heading "Second Reading" in Part XI.) Special permission to meet will be given unless 10 or more Members object. The rules of the House also provide that House committees may not meet during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress. Committees may meet at other times during a recess up to the expiration of the constitutional term.

PUBLIC HEARINGS

If the bill is of sufficient importance, and particularly if it is controversial, the committee will usually set a date for public hearings. Each committee (except the Committee on Rules) is required to make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing, unless the committee determines that there is good cause to begin the hearing at an earlier date. If the committee makes that determination, it must make a public announcement to that effect at the earliest possible date. Public announcements are published in the Daily Digest portion of the Congressional Record as soon as possible after the announcement is made by the committee, and are often noted in newspapers and periodicals. Personal notice, usually in the form of a letter, but possibly in the form of a subpoena, is sent frequently to individuals, organizations, and Government departments and agencies that are known to be interested.

Each hearing by a committee and subcommittee is required to be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endan-

ger the national security or would violate a law or a rule of the House. The committee or subcommittee by the same procedure may vote to close one subsequent day of hearing, except that the Committees on Appropriations and on Armed Services and the Permanent Select Committee on Intelligence, and subcommittees of those committees, by the same procedure may vote to close up to 5 additional consecutive days of hearings. When a quorum for taking testimony is present, a majority of the Members present may close a hearing to discuss whether the evidence or testimony to be received would endanger national security or would tend to defame, degrade, or incriminate any person.

Hearings on the budget are required to be held by the Committee on Appropriations in open session within 30 days after its transmittal to Congress, except when the Committee, in open session and with a quorum present, determines by rollcall vote that the testimony to be taken at that hearing on that day may be related to a matter of national security. The Committee may by the same procedure close one subsequent day of hearing.

On the day set for the public hearing an official reporter is present to record the testimony in favor of and against the bill. The bill may be read in full at the opening of the hearings and a copy is inserted in the record. After a brief introductory statement by the Chairman and often by the ranking minority Member or other committee Member, the first witness is called. Members or Senators who wish to be heard are given preference out of courtesy and because of the limitations on their time. Cabinet officers and high-ranking civil and military officials of the Government, as well as interested private individuals, testify either voluntarily or at the request or summons of the committee.

Committees require, so far as practicable, that witnesses who appear before it file with the committee, in advance of their appearance, a written statement of their proposed testimony and limit their oral presentations to a brief summary of their arguments.

Minority party Members of the committee are entitled to call witnesses of their own to testify on a measure during at least one day of the hearing.

All committee rules in the House must provide that each Member shall have only 5 minutes in the interrogation of witnesses until each Member of the committee who desires to question a witness has had an opportunity to do so.

A typewritten transcript of the testimony taken at a public hearing is made available for inspection in the office of the clerk of the committee and frequently the complete transcript is printed and distributed widely by the committee.

BUSINESS MEETINGS

After hearings are completed, the subcommittee usually will consider the bill in a session that is popularly known as the "markup" session. The views of both sides are studied in detail and at the conclusion of deliberation a vote is taken to determine the action of the subcommittee. It may decide to report the bill

favorably to the full committee, with or without amendment, or unfavorably, or suggest that the committee "table" it, that is, postpone action indefinitely. Each Member of the subcommittee, regardless of party affiliation, has one vote.

All meetings for the transaction of business, including the markup of legislation, of standing committees or subcommittees must be open to the public except when the committee or subcommittee, in open session with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. This requirement does not apply to any meeting that relates solely to internal budget or personnel matters. Members of the committee may authorize congressional staff and departmental representatives to be present at any business or markup session that has been closed to the public.

COMMITTEE ACTION

At committee meetings reports on bills may be made by subcommittees. Reports are fully discussed and amendments may be offered. Committee amendments are only proposals to change the bill as introduced and are subject to acceptance or rejection by the House itself. A vote of committee Members is taken to determine whether the full committee will report favorably or "table" the bill. If the committee votes to report the bill favorably to the House, it may report the bill with or without amendments or report a "clean bill". If the committee has approved extensive amendments, the committee may decide to report a new bill incorporating those amendments, commonly known as a "clean bill". The new bill is introduced (usually by the Chairman of the committee), and, after referral back to the committee, is reported favorably to the House by the committee. Because tabling a bill normally is effective in preventing action on it, adverse reports to the House by the full committee ordinarily are not made. On rare occasions, a committee may report a bill without recommendation or unfavorably.

Generally, a majority of the committee constitutes a quorum, the number of Members who must be present in order for the committee to act. This ensures adequate participation by both sides in the action taken. However, a committee may vary the number of Members necessary for a quorum for certain actions. For example, a committee may fix the number of its Members, but not less than 2, necessary for a quorum for taking testimony and receiving evidence. Except for the Committees on Appropriations, on the Budget, and on Ways and Means, a committee may fix the number of its Members, but not less than one-third, necessary for a quorum for taking certain other actions. The absence of a quorum is the subject of a point of order—that is, an objection that the proceedings are out of order—that is, that the required number of Members is not present.

PUBLIC INSPECTION OF RESULTS OF ROLLCALL VOTE IN COMMITTEE

The result of each rollcall vote in any meeting of a committee must be made available by that committee for inspection by the

public at reasonable times in the offices of that committee. Information available for public inspection includes (1) a description of each amendment, motion, order, or other proposition, (2) the name of each Member voting for and each Member voting against the amendment, motion, order, or proposition, and whether by proxy or in person, and (3) the names of those Members present but not voting.

With respect to each rollcall vote by a committee on a motion to report a bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of the bill or resolution must be included in the committee report.

PROXY VOTING

A vote by a Member of a committee with respect to a measure or other matter may not be cast by proxy unless that committee adopts a written rule that permits voting by proxy and requires that the proxy authorization (1) be in writing, (2) assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the committee, (3) designate the person who is to execute the proxy authorization, and (4) be limited to a specific measure or matter and any amendments or motions pertaining to the measure or matter. A Member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. A proxy must be signed by the Member and must contain the date and time of day that it is signed. A proxy may not be counted for a quorum.

POINTS OF ORDER WITH RESPECT TO COMMITTEE PROCEDURE

A point of order does not lie with respect to a measure reported by a committee on the ground that hearings on the measure were not conducted in accordance with required committee procedure. However, certain points of order may be made by a Member of the committee which reported the measure if, in the committee, that point of order was (1) timely made and (2) improperly overruled or not properly considered.

BROADCASTING COMMITTEE HEARINGS AND MEETINGS

It is permissible to cover open committee hearings and meetings in the House by television, radio, and still photography. This permission is granted under well defined conditions as provided in the rules of the House. Similarly, the rules of the Senate permit broadcasting of open hearings of a Senate committee under such rules as the committee may adopt.

VII. Reported Bills

If the committee votes to report the bill favorably to the House, one of the Members is designated to write the committee report. The report describes the purpose and scope of the bill and the reasons for its recommended approval. Generally, a section-by-section analysis is set forth in detail explaining precisely

what each section is intended to accomplish. All changes in existing law must be indicated in the report and the text of laws being repealed must be set out. This requirement is known as the "Ramseyer" rule; a similar rule in the Senate is known as the "Cordon" rule. Committee amendments also must be set out at the beginning of the report and explanations of them are included. Executive communications regarding the bill usually are quoted in full.

If at the time of approval of a bill by a committee (except the Committee on Rules) a Member of the committee gives notice of an intention to file supplemental, minority, or additional views, that Member is entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file those views with the clerk of the committee and they must be included in the report on the bill. Committee reports, with certain exceptions, must be filed while the House actually is sitting unless unanimous consent is obtained from the House to file at a later time.

The report is assigned a report number when it is filed, and it is delivered to the Government Printing Office for printing during that night. Beginning with the 91st Congress, in 1969, the report number contains a prefix-designator which indicates the number of the Congress. For example, the first House report in 1969 was numbered 91-1.

The bill is reprinted when reported (see Fig. 3, p. 54) and committee amendments are indicated by showing new matter in italics and deleted matter in line-through type. The report number is printed on the bill and the calendar number is shown on both the first and back pages of the bill. However, in the case of a bill that was referred to 2 or more committees for consideration in sequence, the calendar number is printed only on the bill as reported by the last committee to consider it. See Part IX, "Calendars".

Committee reports (see Fig. 4, p. 55) are perhaps the most valuable single element of the legislative history of a law. They are used by courts, executive departments and agencies, and the public generally, as a source of information regarding the purpose and meaning of the law.

CONTENTS OF REPORTS

The report of a committee on a measure that has been approved by the committee must include (1) the committee's oversight findings and recommendations, (2) the statement required by the Congressional Budget Act of 1974, if the measure provides new budget authority (other than continuing appropriations), certain new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures, (3) the cost estimate and comparison prepared by the Director of the Congressional Budget Office whenever the Director has submitted that estimate and comparison to the committee prior to the filing of the report, and (4) a summary of the oversight findings and recommendations made by the Committee on Government Operations whenever they have been submitted to the legislative

committee in a timely fashion to allow an opportunity to consider the findings and recommendations during the committee's deliberations on the measure. Each of these items are set out separately and clearly identified in the report. For a discussion of the Congressional budget process, see Part XII.

INFLATIONARY IMPACT AND COST ESTIMATES IN REPORTS

In addition, each report of a committee on a bill or joint resolution of a public character reported by the committee must contain a detailed analytical statement as to whether the enactment of the bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

Each report also must contain an estimate, made by the committee, of the costs which would be incurred in carrying out that bill or joint resolution in the fiscal year reported and in each of the 5 fiscal years thereafter or for the duration of the program authorized if less than 5 years. In the case of a measure involving revenues, the report need contain only an estimate of the gain or loss in revenues for a one-year period. The report must include a comparison of the estimates of those costs with the estimate made by any Government agency and submitted to that committee. The Committees on Appropriations, on House Administration, on Rules, and on Standards of Official Conduct are not required to include cost estimates in their reports. In addition, the cost estimates are not required to be included in reports when a cost estimate and comparison prepared by the Director of the Congressional Budget Office has been submitted prior to the filing of the report and included in the report.

FILING OF REPORTS

Measures approved by a committee must be reported promptly after approval. A majority of the Members of the committee may file a written request with the clerk of the committee for the reporting of the measure. When the request is filed, the clerk immediately must notify the Chairman of the committee of the filing of the request, and the report on the measure must be filed within 7 days (excluding days on which the House is not in session) after the day on which the request is filed. This does not apply to a report of the Committee on Rules with respect to the rules, joint rules, or order of business of the House or to the reporting of a resolution of inquiry addressed to the head of an executive department.

AVAILABILITY OF REPORTS AND HEARINGS

With certain exceptions (relating to emergency situations, such as a measure declaring war or other national emergency and Government agency decisions, determinations, and actions that are effective unless disapproved or otherwise invalidated by one or both Houses of Congress), a measure or matter reported by a committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business) may not be considered in the House

until the third calendar day (excluding Saturdays, Sundays, and legal holidays) on which the report of that committee on that measure has been available to the Members of the House. In addition, the measure or matter may not be considered unless copies of the report and the reported measure or matter have been available to the Members for at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays during which the House is not in session) before the beginning of consideration. However, it is always in order to consider a report from the Committee on Rules specifically providing for the consideration of a reported measure or matter notwithstanding this restriction. If hearings were held on a measure or matter so reported, the committee is required to make every reasonable effort to have those hearings printed and available for distribution to the Members of the House prior to the consideration of the measure in the House. General appropriation bills may not be considered until printed committee hearings and a committee report thereon have been available to the Members of the House for at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays).

VIII. Legislative Review by Standing Committees

Each standing committee (other than the Committees on Appropriations and on the Budget) is required to review and study, on a continuing basis, the application, administration, execution, and effectiveness of the laws dealing with the subject matter over which the committee has jurisdiction and the organization and operation of Federal agencies and entities having responsibility for the administration and evaluation of those laws.

The purpose of the review and study is to determine whether laws and the programs created by Congress are being implemented and carried out in accordance with the intent of Congress and whether those programs should be continued, curtailed, or eliminated. In addition, each committee having oversight responsibility is required to review and study any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee, and must undertake, on a continuing basis, futures research and forecasting on matters within the jurisdiction of that committee. Each standing committee also has the function of reviewing and studying, on a continuing basis, the impact or probable impact of tax policies on subjects within its jurisdiction.

In addition, several of the standing committees have special oversight responsibilities, the details of which are contained in the rules of the House.

IX. Calendars

The House of Representatives has 5 calendars of business: the Union Calendar, the House Calendar, the Private Calendar, the Consent Calendar, and the Calendar of Motions to Discharge

Committees. The calendars, together with a listing of all bills introduced and a history of all bills reported out of committee in the current Congress, are printed each day the House is in session to provide information on the status of pending legislation.

As soon as a public bill is favorably reported, it is assigned a calendar number on either the Union Calendar or the House Calendar, the 2 principal calendars of business. The calendar number is printed on the first page of the bill and, in certain instances, is printed also on the back page. (See Fig. 3, p. 54.) In the case of a bill that was referred to 2 or more committees for consideration in sequence, the calendar number is printed only on the bill as reported by the last committee to consider it.

UNION CALENDAR

The rules of the House provide that there shall be:

First. A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.

This is commonly known as the Union Calendar and the large majority of public bills and resolutions are placed on it on being reported to the House. For a discussion of the Committee of the Whole House, see Part XI.

HOUSE CALENDAR

The rules further provide that there shall be:

Second. A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property.

The public bills and resolutions that are not placed on the Union Calendar are referred to the House Calendar.

PRIVATE CALENDAR

The rules also provide that there shall be:

Third. A Calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

This is commonly known as the Private Calendar and all private bills are placed on it on being reported to the House. (See Fig. 14, p. 68.) The Private Calendar is called on the first and third Tuesdays of each month. If objection is made by 2 or more Members to the consideration of any measure called, it is committed to the committee that reported it. As in the case of the Consent Calendar (see below) there are 6 official objectors, 3 on the majority side and 3 on the minority side, who make a careful study of each bill or resolution on the Private Calendar and who will object to a measure that does not conform to the requirements for that calendar, thereby preventing the passage without debate of nonmeritorious bills and resolutions.

CONSENT CALENDAR

If a measure pending on either the House or Union Calendar is of a noncontroversial nature, it may be placed on the Consent

Calendar. After a bill has been favorably reported and is on either the House or Union Calendar, any Member may file with the Clerk a notice that the Member desires the bill placed on the Consent Calendar. On the first and third Mondays of each month immediately after the reading of the Journal, the Speaker directs the Clerk to call the bills in numerical order (that is, in the order of their appearance on that calendar) that have been on the Consent Calendar for 3 legislative days. If objection is made to the consideration of any bill so called, it is carried over on the calendar without prejudice to the next day when the Consent Calendar is again called, and if then objected to by 3 or more Members it is immediately stricken from the calendar and may not be placed on the Consent Calendar again during that session of Congress. If objection is not made and if the bill is not "passed over" by request, it is passed by unanimous consent without debate. Ordinarily, the only amendments considered are those sponsored by the committee that reported the bill.

To avoid the passage without debate of measures that may be controversial or are sufficiently important or complex to require full discussion, there are 6 official objectors—3 on the majority side and 3 on the minority side—who make a careful study of bills on the Consent Calendar. If a bill involves the expenditure of more than a fixed maximum amount of money or if it changes national policy or has other aspects that any of the objectors believes demand explanation and extended debate, it will be objected to and will not be passed by unanimous consent. That action does not necessarily mean the final defeat of the bill because it may then be brought up for consideration in the same way as any other bill on the House or Union Calendars.

CALENDAR OF MOTIONS TO DISCHARGE COMMITTEES

When a majority of the Members of the House sign a motion to discharge a committee from consideration of a public bill or resolution, that motion is referred to the Calendar of Motions to Discharge Committees. For a further discussion of Motions to Discharge, see "Motion to Discharge Committee" in Part X.

X. Obtaining Consideration of Measures

Obviously certain measures pending on the House and Union Calendars are more important and urgent than others and it is necessary to have a system permitting their consideration ahead of those that do not require immediate action. Because all measures are placed on those calendars in the order in which they are reported to the House, the latest bill reported would be the last to be taken up if the calendar number alone were the determining factor.

SPECIAL RESOLUTIONS

To avoid delays and to provide some degree of selectivity in the consideration of measures, it is possible to have them taken up out of order by obtaining from the Committee on Rules a special resolution or "rule" for their consideration. That Committee,

which is composed of majority and minority Members but with a larger proportion of majority Members than other committees, is specifically granted jurisdiction over resolutions relating to the order of business of the House. Usually the Chairman of the committee that has favorably reported the bill appears before the Committee on Rules accompanied by the sponsor of the measure and one or more Members of the Chairman's committee in support of the request for a resolution providing for its immediate consideration. If the Committee on Rules is satisfied that the measure should be taken up it will report a resolution reading substantially as follows with respect to a bill on the Union Calendar:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. _____) entitled, etc., and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed _____ hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on _____, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

If the measure is on the House Calendar the resolution reads substantially as follows:

Resolved, That upon the adoption of this resolution it shall be in order to consider the bill (H.R. _____) entitled, etc., in the House.

The resolution may waive points of order against the bill. When it limits or prevents floor amendments, it is popularly known as a "closed rule".

CONSIDERATION OF MEASURES MADE IN ORDER BY PREVIOUS RESOLUTION

When a "rule" has been reported to the House, and is not considered immediately, it is referred to the calendar and, if not called up for consideration by the Member making the report within 7 legislative days thereafter, any Member of the Committee on Rules may call it up as a question of privilege (after having given one calendar day notice of the Member's intention to do so) and the Speaker will recognize any Member of the Committee seeking recognition for that purpose. For a discussion of privileged questions, see the matter under the heading "Privileged Matters" at the end of this part.

If, within 7 calendar days after a measure has, by resolution, been made in order for consideration by the House, a motion has not been offered for its consideration, the Speaker may recognize a Member of the committee that reported the measure to offer a motion that the House consider it, if the Member has been duly authorized by that committee to offer the motion.

There are several other methods of obtaining consideration of bills that either have not been reported by a committee or, if reported, for which a special resolution or "rule" has not been obtained. Two of those methods, a motion to discharge a committee and a motion to suspend the rules, are discussed below.

MOTION TO DISCHARGE COMMITTEE

A Member may present to the Clerk a motion in writing to discharge a committee from the consideration of a public bill or resolution that has been referred to it 30 days prior thereto. A Member also may file a motion to discharge the Committee on Rules from further consideration of a resolution providing either a special order of business, or a special rule for the consideration of a public bill or resolution favorably reported by a standing committee, or a special rule for the consideration of a public bill or resolution that has remained in a standing committee 30 days or more without action. This motion may be made only when the resolution, from which it is moved to discharge the Committee on Rules, has been referred to that committee at least 7 days prior to the filing of the motion to discharge. The motion is placed in the custody of the Clerk, who arranges some convenient place for the signature of Members. When a majority of the total membership of the House have signed the motion, it is entered on the Journal, printed with the signatures thereto in the Congressional Record, and referred to the Calendar of Motions to Discharge Committees.

On the second and fourth Mondays of each month, except during the last 6 days of a session, a Member who has signed a motion to discharge, that has been on the calendar at least 7 days, may seek recognition and be recognized for the purpose of calling up the motion. The bill or resolution is then read by title only. After 20 minutes' debate, one-half in favor of the proposition and one-half in opposition, the House proceeds to vote on the motion to discharge.

If the motion to discharge the Committee on Rules from a resolution pending before the Committee prevails, the House immediately votes on the adoption of that resolution.

If the motion to discharge one of the standing committees of the House from a public bill or resolution pending before the committee prevails, a Member who signed the motion may move that the House proceed to the immediate consideration of the bill or resolution. If the motion is agreed to, the bill or resolution is considered immediately under the general rules of the House. If the House votes against the motion for immediate consideration, the bill or resolution is referred to its proper calendar with the same rights and privileges it would have had if reported favorably by the standing committee.

MOTION TO SUSPEND THE RULES

On Monday and Tuesday of each week and during the last 6 days of a session, the Speaker may entertain a motion to suspend the rules of the House and pass a bill or resolution. Arrangement must be made in advance with the Speaker to recognize the

Member who wishes to offer the motion. Before being considered by the House, the motion must be seconded by a majority of the Members present, by teller vote, if demanded. However, a second is not required on a motion to suspend the rules when printed copies of the proposed bill or resolution have been available for one legislative day before the motion is considered. The motion to suspend the rules and pass the bill is then debated for 40 minutes, one-half by those in favor of the proposition and one-half by those opposed. The motion may not be amended and if amendments to the bill are proposed they must be included in the motion when it is made. The rules may be suspended and the bill passed only by affirmative vote of two-thirds of the Members voting, a quorum being present.

The Speaker may postpone all recorded and yea-nay votes on motions to suspend the rules and pass bills and resolutions until the end of that legislative day or the next 2 legislative days. At that time the House disposes of the deferred votes consecutively without further debate. After the first deferred vote is taken, the Speaker may reduce to not less than 5 minutes the time period for subsequent deferred votes. If the House adjourns before completing action on one or more deferred votes, these must be the first order of business on the next legislative day. By eliminating intermittent recorded votes on suspensions, this procedure reduces interruptions of committee meetings and also reduces the time Members spend on suspension days going back and forth between the floor and their committee rooms or offices.

CALENDAR WEDNESDAY

On Wednesday of each week, unless dispensed with by unanimous consent or by affirmative vote of two-thirds of the Members voting, a quorum being present, the standing committees are called in alphabetical order. A committee when named may call up for consideration any bill reported by it on a previous day and pending on either the House or Union Calendar. Not more than 2 hours of general debate is permitted on any measure called up on Calendar Wednesday and all debate must be confined to the subject matter of the measure, the time being equally divided between those for and those against it. The affirmative vote of a simple majority of the Members present is sufficient to pass the measure.

DISTRICT OF COLUMBIA BUSINESS

The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of business on the Speaker's table requiring only referral to committee, are set aside, when claimed by the Committee on the District of Columbia, for the consideration of any business that is presented by that Committee.

PRIVILEGED MATTERS

Under the rules of the House certain matters are regarded as privileged matters and may interrupt the order of business, for example, reports from the Committee on Rules and reports from

the Committee on Appropriations on the general appropriation bills.

At any time after the reading of the Journal, a Member, by direction of the appropriate committee, may move that the House resolve itself into the Committee of the Whole House on the State of the Union for the purpose of considering bills raising revenues, or general appropriation bills. General appropriation bills may not be considered in the House until 3 calendar days (excluding Saturdays, Sundays, and legal holidays) after printed committee reports and hearings on them have been available to the Members. The limit on general debate is generally fixed by unanimous consent.

Other examples of privileged matters are conference reports, certain amendments to measures by the Senate, veto messages from the President of the United States, and resolutions privileged pursuant to statute. The Member in charge of such a matter may call it up at practically any time for immediate consideration. Usually, this is done after consultation with both the majority and minority floor leaders so that the Members of both parties will have advance notice and will not be taken by surprise.

XI. Consideration

Our democratic tradition demands that bills be given consideration by the entire membership with adequate opportunity for debate and the proposing of amendments.

COMMITTEE OF THE WHOLE HOUSE

In order to expedite the consideration of bills and resolutions, the rules of the House provide for a parliamentary usage that enables the House to act with a quorum of less than the requisite majority of 218. The House resolves itself into the Committee of the Whole House on the State of the Union (a quorum of which consists of 100 Members) to consider a measure. All measures on the Union Calendar—involving a tax, making appropriations, or authorizing payments out of appropriations already made—must be first considered in the Committee of the Whole.

The Committee on Rules reports a special resolution or “rule” allowing for immediate consideration of a measure by the Committee of the Whole. After adoption of the resolution by the House, the House votes on a motion to resolve itself into the Committee of the Whole or, in certain situations, the Speaker declares the House resolved into the Committee of the Whole without intervening motion. When the House resolves into the Committee of the Whole, the Speaker leaves the chair after appointing a Chairman to preside.

The special resolution or “rule” referred to in the preceding paragraph also fixes the length of the debate in the Committee of the Whole. This may vary according to the importance and controversial nature of the measure. As provided in the resolution, the control of the time is divided equally—usually between the Chairman and the ranking minority Member of the commit-

tee that reported the measure. Members seeking to speak for or against the measure usually arrange in advance with the Member in control of the time on their respective side to be allowed a certain amount of time in the debate. Others may ask the Member speaking at the time to yield to them for a question or a brief statement. A transcript of the proceedings and debate in the House and the Senate is printed daily in the Congressional Record. Frequently permission is granted a Member by unanimous consent to extend the Member's remarks in the Congressional Record if sufficient time to make a lengthy oral statement is not available during actual debate.

The conduct of the debate is governed principally by the rules of the House that are adopted at the opening of each Congress. Another recognized authority is Jefferson's Manual that was prepared by Thomas Jefferson for his own guidance as President of the Senate from 1797 to 1801. The House, in 1837, adopted a rule that still stands, providing that the provisions of Jefferson's Manual should govern the House in all cases to which they are applicable and in which they are not inconsistent with the rules and orders of the House. In addition, there is a most valuable compilation of precedents up to the year 1935 set out in Hinds' Precedents and Cannon's Precedents of the House of Representatives, consisting of 11 volumes, to guide the action of the House. A later compilation, Deschler's Precedents of the House of Representatives, covers years 1936 to date. Summaries of the House precedents prior to 1959 can be found in a single volume entitled Cannon's Procedure in the House of Representatives. A later volume, Procedure in the U.S. House of Representatives, fourth edition, as supplemented, is a compilation of the parliamentary precedents of the House, in summary form, together with other useful related material, from 1959 to date. Also, various rulings of the Speaker since 1931 are set out as notes to the current House Rules and Manual. Most parliamentary questions arising during the course of debate are susceptible of ruling backed up by a precedent of action in a similar situation. The Parliamentarian of the House is present in the House Chamber in order to assist the Chairman or the Speaker in making a correct ruling on parliamentary questions.

SECOND READING

During the general debate an accurate account is kept of the time used on both sides and when all the time allowed under the rule has been consumed the Chairman terminates the debate. Then begins the "second reading of the bill", section by section, at which time amendments may be offered to a section when it is read. A Member is permitted 5 minutes to explain the proposed amendment, after which the Member who is first recognized by the Chair is allowed to speak for 5 minutes in opposition to it; there is no further debate on that amendment, thereby effectively preventing any attempt at filibuster tactics. This is known as the "five-minute rule". There is, however, a device whereby a Member may offer a *pro forma* amendment—"to strike out the last word"—without intending any change in the language, and

be allowed 5 minutes for debate, thus permitting a somewhat more comprehensive debate. Each amendment is put to the Committee of the Whole for adoption. Generally, a *pro forma* amendment is withdrawn. However, in the absence of being withdrawn, it must be voted on.

At any time after a debate is begun under the five-minute rule, on proposed amendments to a section or paragraph of a bill, the Committee of the Whole may by majority vote of the Members present, close debate on the section or paragraph. However, if debate is closed on a section or paragraph before there has been debate on any amendment that a Member has caused to be printed in the Congressional Record after the reporting of the bill by the committee but at least one day prior to floor consideration of the amendment, the Member who caused the amendment to be printed in the Record is given 5 minutes in which to explain the amendment, after which the first person to obtain the floor has 5 minutes to speak in opposition to it, and there is no further debate on that proposed amendment. However, time for debate is not allowed when the offering of the amendment is dilatory. Material placed in the Congressional Record must indicate the full text of the proposed amendment, the name of the proponent Member, the number of the bill to which it will be offered and the point in the bill or amendment thereto where the amendment is intended to be offered, and must appear in a portion of the Record designated for that purpose.

When an amendment is offered, while the House is meeting in the Committee of the Whole, the Clerk is required to transmit 5 copies of the amendment to the majority committee table, 5 copies to the minority committee table, and at least one copy each to the majority and minority cloak rooms.

THE COMMITTEE "RISES"

At the conclusion of the consideration of a bill for amendment, the Committee of the Whole "rises" and reports the bill to the House with the amendments that have been adopted. In rising the Committee of the Whole reverts back to the House and the Chairman of the Committee is replaced in the chair by the Speaker of the House. The House then acts on the bill and any amendments adopted by the Committee of the Whole.

HOUSE ACTION

Debate is cut off by moving "the previous question". If this motion is carried by a majority of the Members voting, a quorum being present, all debate is cut off on the bill on which the previous question has been ordered. The Speaker then puts the question: "Shall the bill be engrossed and read a third time?" If this question is decided in the affirmative, the bill is read a third time by title only and voted on for passage.

If the previous question has been ordered by the terms of the special resolution or "rule" on a bill reported by the Committee of the Whole, the House immediately votes on whatever amendments have been reported by the Committee in the sequence in which they were reported. After completion of voting on the

amendments, the House immediately votes on the passage of the bill with the amendments it has adopted.

In those cases where the previous question has not been ordered, the House may engage in debate lasting one hour, at the conclusion of which the previous question is ordered and the House votes on the passage of the bill. During the debate it is in order to offer amendments to the bill or to the Committee amendments.

The Speaker may postpone a vote on final passage of a bill or resolution or agreement to a conference report. A vote may be postponed for up to 2 legislative days.

Measures that do not have to be considered in the Committee of the Whole are considered in the House in the first instance under the hour rule or in accordance with the terms of the special resolution limiting debate on the measure.

After passage of the bill by the House, a *pro forma* motion to reconsider it is automatically made and laid on the table—that is, action is postponed indefinitely—to forestall this motion at a later date, because the vote of the House on a proposition is not final and conclusive on the House until there has been an opportunity to reconsider it.

MOTIONS TO RECOMMIT

After the previous question has been ordered on the passage of a bill or joint resolution, it is in order to make one motion to recommit the bill or joint resolution to a committee and the Speaker is required to give preference in recognition for that purpose to a Member who is opposed to the bill or joint resolution. This motion is normally not subject to debate. However, with respect to a motion to recommit with instructions after the previous question has been ordered, it is in order to debate the motion for 10 minutes before the vote is taken, except that the majority floor manager may demand that the debate be extended to one hour. Whatever time is allotted for debate is divided equally between the proponents and opponents of the motion.

QUORUM CALLS AND ROLLCALLS

In order to speed up and expedite quorum calls and rollcalls, the rules of the House provide alternative methods for pursuing these procedures.

In the absence of a quorum, 15 Members, including the Speaker, if there is one, are authorized to compel the attendance of absent Members. Such a call of the House is ordered by a majority vote, and a minority of 15 or more favoring a call is not sufficient. A call of the House is then ordered, and the Speaker is required to have the call taken by electronic device. However, the Speaker instead may name one or more clerks “to tell” the Members who are present. In that case the names of those present are recorded by the clerks, and entered in the Journal of the House and absent Members have not less than 15 minutes from the ordering of the call of the House to have their presence recorded. If sufficient excuse is not offered for their absence, by order of a majority of those present, they may be sent for by officers ap-

pointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained. The House then determines the conditions on which they may be discharged. Members who voluntarily appear are, unless the House otherwise directs, immediately admitted to the Hall of the House and they must report their names to the Clerk to be entered on the Journal as present. However, the former practice of presenting Members at the Bar of the House, during a call, is now obsolete, and Members now report to the Clerk and are recorded without being formally excused unless brought in under compulsion.

Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that reason, there is a call of the House unless the House adjourns. The call is taken by electronic device unless the Speaker orders the call in the manner described in the preceding paragraph, and the Sergeant-at-Arms proceeds to bring in absent Members. The yeas and nays on the pending question are at the same time considered as ordered and an automatic rollcall vote is taken. The Clerk calls the roll and each Member who is present may vote on the pending question as the Member answers the roll. After the rollcall is completed, each Member, whose attendance was secured, is brought before the House by the Sergeant-at-Arms, where the Member's presence is noted. The Member then is given an opportunity to vote. If those voting on the question and those who are present and decline to vote together make a majority of the House, the Speaker declares that a quorum is constituted, and the pending question is decided according to the will of the majority of those voting. Further proceedings under the call are considered as dispensed with. At any time after the rollcall has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present as ascertained by actual count by the Speaker; and if the House adjourns, all quorum call proceedings are vacated.

The rules prohibit points of no quorum (1) before or during the daily prayer, (2) during administration of the oath of office to the Speaker or any Member, (3) during the reception of messages from the President or the Senate, (4) in connection with motions incidental to a call of the House, and (5) against a vote in which the Committee of the Whole agrees to rise (but an appropriate point of no quorum would be permitted against a vote defeating a motion to rise). If the presence of a quorum has been established at least once on any day, further points of no quorum are prohibited (1) during the reading of the Journal, (2) between the time a Committee of the Whole rises and its Chairman reports, and (3) during the period on any legislative day when Members are addressing the House under special orders. The language prohibiting quorum calls "during any period" when Members are speaking under special orders includes the time between addresses delivered during this period as well as the addresses themselves. Furthermore, a quorum call is not in order when no business has intervened since the previous call. For the purposes of this provision, all the situations described above are not to be considered as "business".

The rules prohibit points of no quorum when a motion or proposition is pending in the House unless the Speaker has put the motion or proposition to a vote. However, the Speaker has the discretion to recognize a Member of the Speaker's choice to move a call of the House.

The first time the Committee of the Whole finds itself without a quorum during any day the Chairman is required to order the roll to be called by electronic device, unless the Chairman orders a call by naming clerks "to tell" the Members as described above. However, the Chairman may refuse to entertain a point of order that a quorum is not present during general debate. If on a call a quorum appears, the Committee continues its business. If a quorum does not appear, the Committee rises and the Chairman reports the names of the absentees to the House. The rules provide for the expeditious conduct of quorum calls in the Committee of the Whole. The Chairman may suspend a quorum call after determining that a bare or minimum quorum has been reached, that is, 100 or more Members. Under such a short quorum call the Committee will not rise, and therefore Members' names will not be published. Once the presence of a quorum of the Committee of the Whole has been established for the day, quorum calls in the Committee are only in order when the Committee is operating under the five-minute rule and the Chairman has put the pending motion or proposition to a vote.

VOTING

There are 4 methods of voting in the Committee of the Whole, that are also employed, together with an additional method, in the House. These are the voice vote (*viva voce*), the division, the teller vote, the recorded vote, and the yea-and-nay vote that is used only in the House. If a Member objects to the vote on the ground that a quorum is not present in the House, there may be an automatic rollcall vote.

To obtain a voice vote the Chair states "As many as are in favor (as the question may be) say 'Aye'." "As many as are opposed, say 'No'." The Chair determines the result on the basis of the volume of ayes and noes. This is the form in which the vote is ordinarily taken in the first instance.

If it is difficult to determine the result of a voice vote, a division may be demanded. The Chair then states that a division has been demanded and says "As many as are in favor will rise and stand until counted." After counting those in favor he calls on those opposed to stand and be counted, thereby determining the number in favor of and those opposed to the question.

If a demand for a teller vote is supported by one-fifth of a quorum (20 in the Committee of the Whole, and 44 in the House), the Chair appoints one or more tellers from each side and directs the Members in favor of the proposition to pass between the tellers and be counted. After counting, a teller announces the number in the affirmative, and the Chair then directs the Members opposed to pass between the tellers and be counted. When the count is stated by a teller, the Chair announces the result.

If any Member requests a recorded vote and that request is supported by at least one-fifth of a quorum of the House, or 25 Members in the Committee of the Whole, the vote is taken by electronic device, unless the Speaker orders clerks “to tell”, that is, record the names of those voting on each side of the question. After the recorded vote is concluded, the names of those voting together with those not voting are entered in the Journal. Members usually have 15 minutes to be counted from the time the recorded vote is ordered or the ordering of the clerks “to tell” the vote. The Speaker may reduce the period for voting to 5 minutes in certain situations.

In addition to the foregoing methods of voting, in the House, if the yeas and nays are demanded, the Speaker directs those in favor of taking the vote by that method to stand and be counted. The assent of one-fifth of the Members present (as distinguished from one-fifth of a quorum in the case of a demand for tellers) is necessary for ordering the yeas and nays. When the yeas and nays are ordered (or a point of order is made that a quorum is not present) the Speaker directs that as many as are in favor of the proposition will, as their names are called, answer “Aye”; as many as are opposed will answer “No”. The Clerk calls the roll and reports the result to the Speaker who announces it to the House. The Speaker is not required to vote unless the Speaker’s vote would be decisive.

The rules prohibit a Member from (1) casting another Member’s vote or recording another Member’s presence in the House or the Committee of the Whole or (2) authorizing another individual to cast a vote or record the Member’s presence in the House or the Committee of the Whole.

ELECTRONIC VOTING

Recorded and rollcall votes are usually taken by electronic device, except when the Speaker orders the vote to be recorded by other methods prescribed by the rules of the House, and in emergency situations, such as, the failure of the electronic device to function. In addition, quorum calls are generally taken by electronic device. Essentially the system works as follows: A number of vote stations are attached to selected chairs in the Chamber. Each station is equipped with a vote card slot and 4 indicators, marked “yea”, “nay”, “present”, and “open”. The “open” indicator is used only when a vote period is in progress and the system is ready to accept votes. Each Member is provided with a personalized Vote-ID Card. A Member votes by inserting the voting card into any one of the vote stations and depressing the appropriate push button to indicate the Member’s choice. The machine records the votes and reports the result when the vote is completed. In the event the Member is without a Vote-ID Card, the Member may still vote by handing a paper ballot to the Tally Clerk, who may then record the vote electronically according to the indicated preference of the Member. The paper ballots are green for “yea”, red for “nay”, and amber for “present”.

PAIRING OF MEMBERS

When a Member anticipates being unavoidably absent at the time a vote is to be taken, the Member may arrange in advance to be recorded as being either in favor of, or opposed to, the question by being "paired" with a Member who will also be absent and who holds contrary views on the question. A specific pair of this kind shows how the Member would have voted if present. Occasionally, a Member who has arranged in advance to be paired, actually is present at the time of voting. The Member then votes as if not paired, and subsequently withdraws that vote and asks to be marked "present" to protect the other Member. This is known as a "live pair". If the absence is to continue for several days during which a number of different questions are to be voted upon the Member may arrange a "general pair". A general pair does not indicate how the Member would have voted on the question, but merely that the paired Members would not have been on the same side of the question.

Pairs are not counted in determining the vote on the question, but, rather, provide an opportunity for absent Members to express formally how they would have voted had they been present. Pairs are announced by the Clerk of the House and are listed in the Congressional Record immediately after the names of those Members not voting on the question.

SYSTEM OF LIGHTS AND BELLS

Because of the large number and the diversity of daily tasks that they have to perform it is not practicable for Members to be present in the House (or Senate) Chamber at every minute that the body is actually sitting. Furthermore, many of the routine matters do not require the personal attendance of all the Members. A legislative call system (consisting of electric lights and bells or buzzers located in various parts of the Capitol Building and of the House and Senate Office Buildings) alerts Members to certain occurrences in the House and Senate Chambers.

In the House, the Speaker has ordered that the bells and lights comprising the system be utilized as follows:

1 ring and 1 light on the left—Teller vote.

1 long ring followed by a pause and then 3 rings and 3 lights on the left—Start or continuation of a notice or short quorum call in the Committee of the Whole that will be vacated if and when 100 Members appear on the floor. Bells are repeated every 5 minutes unless the call is vacated or the call is converted into a regular quorum call.

1 long ring and extinguishing of 3 lights on the left—Short or notice quorum call vacated.

2 rings and 2 lights on the left—Recorded vote, yea-and-nay vote or automatic rollcall vote by electronic device or by tellers with ballot cards. The bells are repeated 5 minutes after the first ring.

2 rings and 2 lights on the left followed by a pause and then 2 more rings—Automatic rollcall vote or yea-and-nay vote taken by a call of the roll in the House. The bells are repeated when the clerk reaches the R's in the first call of the roll.

2 rings followed by a pause and then 5 rings—First vote under Suspension of the Rules or on clustered votes. 2 bells are repeated 5 minutes after the first ring. The first vote will take 15 minutes with successive votes at intervals of not less than 5 minutes. Each successive vote is signaled by 5 rings.

3 rings and 3 lights on the left—Regular quorum call in either the House or in the Committee of the Whole by electronic device or by clerks. The bells are repeated 5 minutes after the first ring.

3 rings followed by a pause and then 3 more rings—Regular quorum call by a call of the roll. The bells are repeated when the Clerk reaches the R's in the first call of the roll.

3 rings followed by a pause and then 5 more rings—Quorum call in the Committee of the Whole that may be followed immediately by a five-minute recorded vote.

4 rings and 4 lights on the left—Adjournment of the House.

5 rings and 5 lights on the left—Any five-minute vote.

6 rings and 6 lights on the left—Recess of the House.

12 rings at 2-second intervals with 6 lights on the left—Civil Defense Warning.

The 7th light indicates that the House is in session.

BROADCASTING LIVE COVERAGE OF FLOOR PROCEEDINGS

The rules of the House provide for unedited radio and television broadcasting and recording of proceedings on the floor of the House. However, the rules prohibit the use of these broadcasts and recordings for any political purpose or in any commercial advertisement. Likewise, the rules of the Senate provide for broadcasting and recording of proceedings in the Senate Chamber with similar restrictions.

XII. Congressional Budget Process

The Congressional Budget and Impoundment Control Act of 1974 provides Congress with a procedure for establishing appropriate budget and revenue levels for each year. Essentially, the Congressional budget process involves "concurrent resolutions on the budget" that are passed each year. These resolutions are designed to coordinate the revenue and spending decisions that the various legislative committees of Congress make in acting on measures within their respective jurisdictions in order to provide fiscal discipline for Congress.

Congress must complete action on a concurrent resolution on the budget for the next fiscal year by April 15. This resolution sets levels of new budget authority and spending, revenue, and debt levels. However, Congress may adopt a later budget resolution that revises or reaffirms the most recently adopted budget resolution.

One of the mechanisms Congress uses to enforce projected budget authority and spending, revenue, and debt levels is called the reconciliation process. Under reconciliation, Congress in a budget resolution directs one or more of the legislative committees to determine and recommend changes in laws or bills that will achieve the levels set by the budget resolution. The direc-

tions to the committees specify the total amounts that must be changed but leaves to the discretion of the committees the changes that must be made to achieve the required levels.

If only one committee has been directed to recommend changes, that committee reports its reconciliation legislation directly to the floor for consideration by the whole House. However, if more than one committee has been directed to make changes, the committees report the recommended changes to the Committee on the Budget. The Committee then reports an omnibus reconciliation bill to the floor for consideration by the whole House. The Committee may not change the reconciliation legislation substantively.

When changes are to be made in legislation that already has been enacted or enrolled (for an explanation of enrollment, see Part XVII), the vehicle used is a reconciliation bill that is enacted in the same manner as any other bill. However, if changes are to be made in bills or resolutions that have not been enrolled yet, Congress enacts the changes in a concurrent resolution not requiring approval of the President. The concurrent resolution directs the Clerk of the House or the Secretary of the Senate to make the necessary changes in the bill or resolution as directed by the reconciliation resolution. Congress must complete action on a reconciliation bill or resolution by June 15 of each year.

Generally, after Congress has completed action on a concurrent resolution on the budget for a fiscal year, it is not in order to consider legislation that does not conform to the budget authority and spending, revenue, and debt levels set for that fiscal year.

In 1985, Congress enacted legislation establishing a procedure to gradually reduce the Federal deficit to zero. The current target date for a zero deficit is 1993. Under the new procedure, if the estimated deficit for a fiscal year exceeds the statutory level for that year, across-the-board cuts in the Federal budget (with certain exceptions) would go into effect automatically pursuant to order of the President.

XIII. Engrossment and Message to Senate

The preparation of a copy of the bill in the form in which it has passed the House is sometimes a detailed and complicated process because of the large number and complexity of amendments to some bills adopted by the House. Frequently these amendments are offered during a spirited debate with little or no prior formal preparation. The amendment may be for the purpose of inserting new language, substituting different words for those set out in the bill, or deleting portions of the bill. It is not unusual to have more than 100 amendments, including those proposed by the committee at the time the bill is reported and those offered from the floor during the consideration of the bill in the Chamber. Some of the amendments offered from the floor are written in longhand and others are typewritten. Each amendment must be inserted in precisely the proper place in the bill, with the spelling and punctuation exactly the same as it was

adopted by the House. Obviously, it is extremely important that the Senate receive a copy of the bill in the precise form in which it has passed the House. The preparation of such a copy is the function of the enrolling clerk.

There is an enrolling clerk in each House. In the House, the enrolling clerk is under the Clerk of the House. In the Senate, the enrolling clerk is under the Secretary of the Senate. The enrolling clerk receives all the papers relating to the bill, including the official Clerk's copy of the bill as reported by the standing committee and each amendment adopted by the House. From this material the enrolling clerk prepares the engrossed copy of the bill as passed, containing all the amendments agreed to by the House. (See Fig. 5, p. 56.) At this point, the measure ceases technically to be called a bill and is termed "an act" signifying that it is the act of one body of the Congress, although it is still popularly referred to as a bill. The engrossed bill is printed on blue paper and a certificate that it passed the House of Representatives is signed by the Clerk of the House. The engrossed bill is delivered by a reading clerk to the Senate, while that body is actually sitting, in a rather formal ceremonious manner befitting the dignity of both Houses. The reading clerk is escorted into the Chamber by the Secretary or another officer of the Senate and on being recognized by the Presiding Officer of the Senate states that the House has passed the bill, giving its number and title, and requests the concurrence of the Senate.

XIV. Senate Action

The Presiding Officer of the Senate refers the engrossed bill to the appropriate standing committee of the Senate in conformity with the rules of the Senate. The bill is reprinted immediately and copies are made available in the document rooms of both Houses. (See Fig. 6, p. 57.) This printing is known as the "Act print" or the "Senate referred print".

COMMITTEE CONSIDERATION

Senate committees give the bill the same kind of detailed consideration as it received in the House, and may report it with or without amendment or "table" it. A committee Member who wishes to express an individual view, or a group of Members who wish to file a minority report, may do so, by giving notice, at the time of the approval of the measure, of an intention to file supplemental, minority or additional views, in which event those views may be filed within 3 days with the clerk of the committee and they become a part of the report.

When a committee reports a bill, it is reprinted with the committee amendments indicated by showing new matter in italics and deleted matter in line-through type. The calendar number and report number are indicated on the first and back pages, together with the name of the Senator making the report. (See Fig. 7, p. 58.) The committee report and any minority or individual views accompanying the bill also are printed at the same time. (See Fig. 8, p. 59.) Any Senator may enter a motion to dis-

charge a committee from further consideration of a bill that it has failed to report after what is deemed to be a reasonable time. If the motion is agreed to by a majority vote, the committee is discharged and the bill is placed on the Calendar of Business under the rules of the Senate.

All committee meetings, including those to conduct hearings, must be open to the public. However, a majority of the Members of a committee or subcommittee may, after discussion in closed session, vote in open session to close a meeting or series of meetings on the same subject for no longer than 14 days if it is determined that the matters to be discussed or testimony to be taken will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States; will relate solely to internal committee staff management or procedure; will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt, or will represent a clearly unwarranted invasion of the privacy of an individual; will disclose law enforcement information that is required to be kept secret; will disclose certain information regarding certain trade secrets; or may disclose matters required to be kept confidential under other provisions of law or Government regulation.

CHAMBER PROCEDURE

The rules of procedure in the Senate differ to a large extent from those in the House. The Senate relies heavily on the practice of obtaining unanimous consent for actions to be taken. For example, at the time that a bill is reported, the Senator who is making the report may ask unanimous consent for the immediate consideration of the bill. If the bill is of a noncontroversial nature and there is no objection, the Senate may pass the bill with little or no debate and with only a brief explanation of its purpose and effect. Even in this instance the bill is subject to amendment by any Senator. A simple majority vote is necessary to carry an amendment as well as to pass the bill. If there is any objection, the report must lie over one day and the bill is placed on the calendar.

Measures reported by standing committees of the Senate may not be considered unless the report of that committee has been available to Senate Members for at least 2 days (excluding Sundays and legal holidays) prior to consideration of the measure in the Senate. This requirement, however, may be waived by agreement of the majority and minority leaders and does not apply in certain emergency situations.

In the Senate, measures are brought up for consideration by a simple unanimous consent request, by a complex unanimous consent agreement, by a motion to proceed to the consideration of a measure, or by a motion to consider a measure on the calendar. A unanimous consent agreement, sometimes referred to as a "time agreement", makes the consideration of a measure in order and often limits the amount of debate that will take place on the measure and lists the amendments that will be considered. The offering of a unanimous consent request to consider a measure or

the offering of a motion to proceed to the consideration of a measure is reserved, by tradition, to the majority leader.

Usually a motion to consider a measure on the calendar is made only when unanimous consent to consider the measure cannot be obtained. There is only one Calendar of Business in the Senate, there being no differentiation, as there is in the House, between (1) bills raising revenue, general appropriation bills, and bills of a public character appropriating money or property, and (2) other bills of a public character not appropriating money or property.

The rules of the Senate provide that at the conclusion of the morning business for each "legislative day" the Senate proceeds to the consideration of the calendar. In the Senate, the term "legislative day" means the period of time from when the Senate adjourns until the next time the Senate adjourns. Because the Senate often "recesses" rather than "adjourns" at the end of a daily session, the "legislative day" usually does not correspond to the 24-hour period comprising a calendar day. Thus, a "legislative day" may cover a long period of time—from days to weeks, or even months. Because of this and the modern practice of waiving the call of the calendar by unanimous consent at the start of a new "legislative day", it is rare to have a call of the calendar. When the calendar is called, bills that are not objected to are taken up in their order, and each Senator is entitled to speak once and for 5 minutes only on any question. Objection may be interposed at any stage of the proceedings, but on motion the Senate may continue consideration after the call of the calendar is completed, and the limitations on debate then do not apply.

On any day (other than a Monday that begins a new "legislative day"), following the announcement of the close of morning business, any Senator obtaining recognition may move to take up any bill out of its regular order on the calendar. Usually, this is the majority leader. The five-minute limitation on debate does not apply to the consideration of a bill taken up in this manner, and debate may continue until the hour when the Presiding Officer of the Senate "lays down" the unfinished business of the day. At that point consideration of the bill is discontinued and the measure reverts back to the Calendar of Business and may again be called up at another time under the same conditions.

When a bill has been objected to and passed over on the call of the calendar it is not necessarily lost. The majority leader, after consulting the majority policy committee of the Senate and the minority leadership, determines the time at which the bill will be called up for debate. At that time, a motion is made to consider the bill. The motion is debatable if made after the morning hour.

Once a Senator is recognized by the Presiding Officer, the Senator may speak for as long as the Senator wishes and loses the floor only when the Senator yields it or takes certain parliamentary actions that forfeit the Senator's right to the floor. However, a Senator may not speak more than twice on any one question in debate on the same legislative day without leave of the Senate. Debate ends when a Senator yields the floor and no other Senator seeks recognition, or when a unanimous consent agreement limiting the time of debate is operating.

On occasion, Senators opposed to a measure may extend debate by making lengthy speeches intended to prevent or defeat action on the measure. This is the tactic known as "filibustering". Debate, however, may be closed if 16 Senators sign a motion to that effect and the motion is carried by three-fifths of the Senators duly chosen and sworn. Such a motion is voted on without debate on the second day after the day it is filed. This procedure is called "invoking cloture". In 1986, the Senate amended its rules to limit "post-cloture" debate to 30 hours. A Senator may speak for not more than one hour and may yield all or a part of that time to the majority or minority floor managers of the bill under consideration or to the majority or minority leader. The Senate may increase the time for "post-cloture" debate by a vote of three-fifths of the Senators duly chosen and sworn. After the time for debate has expired, the Senate may consider certain amendments before voting on the bill.

While a measure is being considered it is subject to amendment and each amendment, including those proposed by the committee that reported the bill, is considered separately. Generally, there is no requirement that proposed amendments be germane to the subject matter of the bill except in the case of general appropriation bills. Under the rules, a "rider" (an amendment proposing substantive legislation to an appropriation bill) is prohibited, but this prohibition may be suspended by two-thirds vote on a motion to permit consideration of such an amendment on one day's notice in writing. Debate on the measure must be germane during the first 3 hours after the morning hour unless determined to the contrary by unanimous consent or on motion without debate. After final action on the amendments the bill is ready for engrossment and the third reading, which is usually by title only, although if demanded, it must be read in full. The Presiding Officer then puts the question on the passage and a voice vote (*viva voce*) is usually taken although a yea-and-nay vote is in order if demanded by one-fifth of the Senators present. A simple majority is necessary for passage. Before an amended measure is cleared for its return to the House of Representatives (or an unamended measure is cleared for enrollment), a Senator who voted with the prevailing side, or who abstained from voting, may make a motion within the next 2 days to reconsider the action. If the measure was passed without a recorded vote, any Senator may make the motion to reconsider. That motion is usually tabled and its tabling constitutes a final determination. If, however, the motion is granted, the Senate, by majority vote, may either affirm its action, which then becomes final, or reverse it.

The original engrossed House bill, together with the engrossed Senate amendments, if any, is then returned to the House with a message stating the action taken by the Senate. Where amendments have been made by the Senate the message requests that the House concur in them.

For a more detailed discussion of Senate procedure, see Senate Document No. 97-20 of the 97th Congress, second session, *Enactment of a Law*, by Robert B. Dove, then Parliamentarian of the Senate.

XV. Final Action on Amended Bill

On their return to the House the official papers relating to the amended measure are placed on the Speaker's table to await House action on the Senate amendments. If the amendments are of a minor or noncontroversial nature the Chairman of the committee that originally reported the bill—or any Member—may, at the direction of the committee, ask unanimous consent to take the bill with the amendments from the Speaker's table and agree to the Senate amendments. At this point the Clerk reads the title of the bill and the Senate amendments. If there is no objection, the amendments are then declared to be agreed to, and the bill is ready to be enrolled for presentation to the President. Lacking unanimous consent, bills that do not require consideration in the Committee of the Whole are privileged and may be called up from the Speaker's table by motion for immediate consideration of the amendments. A simple majority is necessary to carry the motion and thereby complete floor action on the measure. A Senate amendment to a House bill is subject to a point of order that it must first be considered in the Committee of the Whole, if, originating in the House, it would be subject to that point.

REQUEST FOR A CONFERENCE

If, however, the amendments are substantial or controversial the Member may request unanimous consent to take the bill with the Senate amendments from the Speaker's table, disagree to the amendments and request a conference with the Senate to resolve the disagreeing votes of the 2 Houses. If there is objection it becomes necessary to obtain a special resolution from the Committee on Rules. However, the Speaker may recognize a Member for a motion, authorized by the committee having jurisdiction over the subject matter of the bill, to disagree to the amendments and ask for a conference. If there is no objection to the request, or if the motion is carried, the Speaker then appoints the managers (as the conferees are called) on the part of the House and a message is sent to the Senate advising it of the House action. A majority of the Members appointed to be managers must have been supporters of the House position, as determined by the Speaker. The Speaker must name Members primarily responsible for the legislation and must include, to the fullest extent feasible, the principal proponents of the major provisions of the bill as it passed the House. The Speaker usually follows the suggestions of the Chairman of the committee in charge of the bill in designating the managers on the part of the House from among the Members of the committee. The number is fixed by the Speaker and majority party representation generally reflects the ratio for the full House committee, but may be greater on important bills. Representation of both major parties is an important attribute of all our parliamentary procedures but, in the case of conference committees, it is important that the views of the House on the House measure be fully represented.

If the Senate agrees to the request for a conference, a similar committee is appointed by unanimous consent by the Presiding

Officer of the Senate. Both political parties may be represented on the Senate conference committee also. The Senate and House committees need not be the same size.

The conference committee is sometimes popularly referred to as the "Third House of Congress".

The request for a conference can be made only by the body in possession of the official papers. Occasionally the Senate, anticipating that the House will not concur in its amendments, votes to insist on its amendments and requests a conference on passage of the bill prior to returning the bill to the House. This practice serves to expedite the matter because several days' time may be saved by the designation of the Senate conferees before returning the bill to the House. The matter of which body requests the conference is not without significance because the one asking for the conference acts last on the report to be submitted by the conferees.

AUTHORITY OF CONFEREES

Although the managers on the part of each House meet together as one committee they are in effect 2 separate committees, each of which votes separately and acts by a majority vote. For this reason the number of managers from each House is largely immaterial.

The conferees are strictly limited in their consideration to matters in disagreement between the 2 Houses. Consequently, they may not strike out or amend any portion of the bill that was not amended by the Senate. Furthermore, they may not insert new matter that is not germane to the differences between the 2 Houses. Where the Senate amendment revises a figure or an amount contained in the bill, the conferees are limited to the difference between the 2 numbers and may not increase the greater nor decrease the smaller figure. Neither House may alone, by instructions, empower its managers to make a change in the text to which both Houses have agreed, but the managers for both bodies may be given that authority by a concurrent resolution adopted by a majority of each House.

When a disagreement to an amendment in the nature of a substitute is committed to a conference committee it is in order for the managers on the part of the House to propose a substitute which is a germane modification of the matter in disagreement, but the introduction of language in that substitute presenting a specific additional topic, question, issue, or proposition not committed to the conference committee by either House does not constitute a germane modification of the matter in disagreement. Moreover, their report may not include matter not committed to the conference committee by either House, nor may their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as committed to the conference committee.

An amendment by the Senate to a general appropriation bill which would be in violation of the rules of the House, if the

amendment had originated in the House, or an amendment by the Senate providing for an appropriation on a bill other than a general appropriation bill, may not be agreed to by the managers on the part of the House, unless a specific authority to agree to such an amendment is given first by the House by a separate vote on each specific amendment.

MEETINGS AND ACTION OF CONFEREES

The rules of the House require that conference meetings be open, unless the House, in open session, determines by a rollcall vote of a majority of those Members voting that all or part of the meeting will be closed to the public. When the report of the conference committee is read in the House, a point of order may be made that the conferees failed to comply with the House rule referred to in the preceding sentence. If the point of order is sustained, the conference report is considered rejected by the House and a new conference is requested.

There are generally 4 forms of recommendations available to the conferees when reporting back to their bodies:

(1) The Senate recede from all (or certain of) its amendments.

(2) The House recede from its disagreement to all (or certain of) the Senate amendments and agree thereto.

(3) The House recede from its disagreement to all (or certain of) the Senate amendments and agree thereto with amendments.

(4) The House recede from all (or certain of) its amendments to the Senate amendments.

In many instances the result of the conference is a compromise growing out of the third type of recommendation available to the conferees. The complete report may, of course, be comprised of any one or more of these recommendations with respect to the various amendments. Occasionally, the conferees find themselves unable to reach an agreement with respect to one or more amendments and report back a statement of their inability to agree on those particular amendments. These may then be acted upon separately. This partial disagreement is, of course, not practicable where the Senate strikes out all after the enacting clause and substitutes its own bill which must be considered as a single amendment.

If they are unable to reach any agreement whatsoever, the conferees report that fact to their respective bodies and the amendments are in the position they were before the conference was requested. New conferees may be appointed in either or both Houses. In addition, the Houses may instruct the conferees as to the position they are to take.

After House conferees on any bill or resolution in conference between the 2 bodies have been appointed for 20 calendar days and have failed to make a report, the rules of the House provide for a motion of the highest privilege to instruct the House conferees or discharge them and appoint new conferees. Further, during the last 6 days of a session it is a privileged motion to move to discharge, appoint, or instruct House conferees after

House conferees have been appointed 36 hours without having made a report.

CONFERENCE REPORTS

When the conferees, by majority vote of each group, have reached complete agreement (or find that they are able to agree with respect to some but not all amendments) they make their recommendations in a report made in duplicate that must be signed by a majority of the conferees appointed by each body. The minority portion of the managers have no authority to file a statement of minority views in connection with the report. The report is required to be printed in both Houses and must be accompanied by an explanatory statement prepared jointly by the conferees on the part of the House and the conferees on the part of the Senate. (See Fig. 9, pp. 60 and 61.) The statement must be sufficiently detailed and explicit to inform Congress as to the effect that the amendments or propositions contained in the report will have on the measure to which those amendments or propositions relate. The engrossed bill and amendments and one copy of the report are delivered to the body that is to act first on the report; namely, the body that had agreed to the conference requested by the other.

In the Senate, the presentation of the report always is in order except when the Journal is being read or a point of order or motion to adjourn is pending, or while the Senate is voting or ascertaining the presence of a quorum. When the report is received, the question of proceeding to the consideration of the report, if raised, is immediately voted on without debate. The report is not subject to amendment in either body and must be accepted or rejected as an entirety. If the time for debate on the adoption of the report is limited, the time allotted must be equally divided between the majority and minority party. If the Senate, acting first, does not agree to the report it may by majority vote order it recommitted to the conferees. When the Senate agrees to the report, its managers are thereby discharged and it then delivers the original papers to the House with a message advising that body of its action.

A report that contains any recommendations which go beyond the differences between the 2 Houses is subject to a point of order in its entirety. Any change in the text as agreed to by both Houses renders the report subject to the point of order and the matter is before the House *de novo*.

The presentation of the report in the House always is in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition. The report is considered in the House and may not be sent to the Committee of the Whole on the suggestion that it contains matters ordinarily requiring consideration in that Committee. The report may not be received by the House if the required statement does not accompany it.

It is, however, not in order to consider either (1) a conference report or (2) an amendment (including an amendment in the nature of a substitute) proposed by the Senate to a measure re-

ported in disagreement between the 2 Houses, by a conference report, that the conferees have been unable to agree, until the third calendar day (excluding Saturdays, Sundays, and legal holidays) after the report and accompanying statement have been filed in the House, and consideration then is in order only if the report and accompanying statement have been printed in the edition of the Congressional Record for the day on which the report and statement have been filed. However, these provisions do not apply during the last 6 days of the session. Nor is it in order to consider a conference report or such an amendment unless copies of the report and accompanying statement, together with the text of the amendment, have been available to Members for at least 2 hours before the beginning of consideration. However, it is always in order to call up for consideration a report from the Committee on Rules only making in order the consideration of a conference report or such an amendment notwithstanding the requirement that the report and text of the amendment be available for at least 2 hours before the beginning of consideration. The time allotted for debate on a conference report or such an amendment is divided equally between the majority party and the minority party. However, if the majority and minority floor managers both are supporters of the conference report, one-third of the debate time must be allotted to a Member who is opposed to the conference report. If the House does not agree to a conference report that the Senate has already agreed to, the report may not be recommitted to conference because the Senate conferees are discharged when the Senate agrees to the report.

When a conference report is called up before the House containing matter which would be in violation of the rules of the House with respect to germaneness if the matter had been offered as an amendment in the House, and which is contained either (1) in a Senate amendment to that measure (including a Senate amendment in the nature of a substitute for the text of that measure as passed by the House) and accepted by the House conferees or agreed to by the conference committee with modification or (2) in a substitute agreed to by the conference committee, it is in order, at any time after the reading of the report is completed or dispensed with and before the reading of the statement, to make a point of order that nongermane matter, which must be specified in the point of order, is contained in the report. It is also in order to make a point of order to nongermane Senate matter in the conference report that originally appeared in the Senate bill but was not included in the House-passed version. If the point of order is sustained, it is then in order for the Chair to entertain a motion, that is of high privilege, that the House reject the nongermane matter covered by the point of order. It is in order to debate the motion for 40 minutes, one-half of the time to be given to debate in favor of, and one-half in opposition to, the motion. Notwithstanding the final disposition of a point of order made with respect to the report, or of a motion to reject nongermane matter, further points of order may be made with respect to the report, and further motions may be made to reject other nongermane matter in the conference report not covered by any previous point of order which has been sustained. If a

motion to reject has been adopted, after final disposition of all points of order and motions to reject, the conference report is considered as rejected and the question then pending before the House is whether (1) to recede and concur with an amendment that consists of that portion of the conference report not rejected or (2) to insist on the House amendment with respect to non-germane Senate matter that originally appeared in the Senate bill but was not included in the House-passed version. If all motions to reject are defeated, then, after the allocation of time for debate on the conference report, it is in order to move the previous question on the adoption of the conference report.

Similar procedures are available in the House when the Senate proposes an amendment to a measure that would be in violation of the rule against nongermane amendments, and thereafter it is (1) reported in disagreement by a committee of conference or (2) before the House and the stage of disagreement is reached.

The amendments of the Senate in disagreement may be voted on separately and may be adopted by a majority vote after the adoption of the conference report itself as though no conference had been had with respect to those amendments. The Senate may recede from all amendments, or from certain of its amendments, insisting on the others with or without a request for a conference with respect to them. If the House does not accept the amendments insisted on by the Senate the entire conference process begins again with respect to them.

CUSTODY OF PAPERS

The custody of the original official papers is important in conference procedure because either body may act only when in possession of the papers. As indicated above the request for a conference may be made only by the body in possession. The papers are then transmitted to the body agreeing to the conference and by it to the managers of the House that asked for the conference. The latter in turn carry the papers with them to the conference and at its conclusion turn them over to the managers of the House that agreed to the conference. The latter deliver them to their own House, that acts first on the report and then delivers the papers to the other House for final action on the report.

Each group of conferees, at the conclusion of the conference, retains one copy of the report that has been made in duplicate, and signed by a majority of the managers of each body—the House copy signed first by the House managers and the Senate copy signed first by its managers.

Obviously a bill cannot become a law of the land until it has been approved in identical terms by both Houses of the Congress. When the bill has finally been approved by both Houses all the original papers are transmitted to the enrolling clerk of the body in which the bill originated.

XVI. Bill Originating in Senate

The preceding discussion has described the legislative process for bills originating in the House. When a bill originates in the

Senate, this process is reversed. When the Senate passes a bill that originated in the Senate, it is sent to the House for consideration. The bill is referred to the appropriate House committee for consideration. If the committee reports the bill to the full House and if the bill is passed by the House without amendment, it is ready for enrollment. (See Part XVII.) If the House passes an amended version of the Senate bill, the bill is returned to the Senate for action on the House amendments. The Senate may agree to the amendments or request a conference to resolve the disagreement over the House amendments.

XVII. Enrollment

When the bill has been agreed to in identical form by both bodies—either without amendment by the Senate, or by House concurrence in the Senate amendments, or by agreement in both bodies to the conference report—a copy of the bill is enrolled for presentation to the President.

The preparation of the enrolled bill is a painstaking and important task because it must reflect precisely the effect of all amendments, either by way of deletion, substitution, or addition, agreed to by both bodies. The enrolling clerk of the House (with respect to bills originating in the House) receives the original engrossed bill, the engrossed Senate amendments, the signed conference report, the several messages from the Senate, and a notation of the final action by the House, for the purpose of preparing the enrolled copy. From these the enrolling clerk must prepare meticulously the final form of the bill, as it was agreed to by both Houses, for presentation to the President. (See Fig. 10, pp. 62 and 63.) On occasion there have been upward of 500 amendments, particularly after a conference, each of which must be set out in the enrollment exactly as agreed to, and all punctuation must be in accord with the action taken.

The enrolled bill is printed on parchment paper, with a certificate on the reverse side of the last page, to be signed by the Clerk of the House stating that the bill originated in the House of Representatives (or by the Secretary of the Senate when the bill has originated in that body). It is examined for accuracy by the Committee on House Administration (or by the Secretary of the Senate when the bill originated in that body). When the Committee is satisfied with the accuracy of the bill the Chairman of the Committee attaches a slip stating that it finds the bill truly enrolled and sends it to the Speaker of the House for signature. All bills, regardless of the body in which they originated, are signed first by the Speaker and then by the Vice President of the United States, who, under the Constitution, serves as the President of the Senate. The Speaker of the House may sign enrolled bills whether or not the House is in session. The President of the Senate may sign bills only while the Senate is actually sitting unless advance permission is granted to sign during a recess or after adjournment. If the Speaker or the President of the Senate is unable to sign the bill, it may be signed by the authorized presiding officer of the respective House. After both signa-

tures are affixed the bill is returned to the Committee for the purpose of being presented to the President for action under the Constitution.

XVIII. Presidential Action

Article I, Section 7, of the Constitution provides in part that—

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States.

In actual practice a clerk of the Committee on House Administration (or the Secretary of the Senate when the bill originated in that body) delivers the original enrolled bill to an employee at the White House and obtains a receipt, and the fact of the delivery is then reported to the House by the Chairman of the Committee. Delivery to a White House employee has customarily been regarded as presentation to the President and as commencing the 10-day Constitutional period for Presidential action.

Copies of the enrolled bill usually are transmitted by the White House to the various departments interested in the subject matter so that they may advise the President who, of course, cannot be personally familiar with every item in every bill.

If the President approves the bill, he signs it and usually writes the word "approved" and the date, although the Constitution requires only that the President sign it. (See Fig. 10, pp. 62 and 63.)

The Supreme Court has stated that undoubtedly the President when approving bills may be said to participate in the enactment of laws, which the Constitution requires the President to execute.

The bill may become law without the President's signature by virtue of the Constitutional provision that if the President does not return a bill with objections within 10 days (excluding Sundays) after it has been presented to the President, it shall be a law in like manner as if the President had signed it. (See Fig. 12, p. 66.) However, if Congress by their adjournment prevent its return, it does not become law. The latter event is what is known as a "pocket veto", that is, the bill does not become law even though the President has not sent his objections to the Congress.

Notice of the signing of a bill by the President is sent usually by message to the House in which it originated and that House informs the other, although this action is not necessary to the validity of the act. The action is also noted in the Congressional Record.

A bill becomes law on the date of approval (or passage over the President's veto), unless it expressly provides a different effective date.

VETO MESSAGE

By the terms of the Constitution, if the President does not approve the bill "he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it". It is the usual but not invariable rule that a bill returned with

the President's objections, must be voted on at once and when laid before the House the question on the passage is considered as pending. A vetoed bill is always privileged, and a motion to take it from the table is in order at any time.

The Member in charge moves the previous question which is put by the Speaker, as follows: "The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?". The Clerk calls the roll and those in favor of passing the bill answer "Aye", and those opposed "No". If fewer than two-thirds of the Members present (constituting a quorum) vote in the affirmative the bill is killed, and a message is usually sent to the Senate advising that body of the decision that the bill shall not pass. If, however, two-thirds vote in the affirmative, the bill is sent with the President's objections to the Senate together with a message advising it of the action in the House.

There is a similar procedure in the Senate where again a two-thirds affirmative vote is necessary to pass the bill over the President's objections. If then passed by the Senate the measure becomes the law of the land notwithstanding the objections of the President, and it is ready for publication as a binding statute. (See Fig. 13, p. 67.)

XIX. Publication

One of the important steps in the enactment of a valid law is the requirement that it shall be made known to the people who are to be bound by it. Obviously, there would be no justice if the state were to hold its people responsible for their conduct before it made known to them the unlawfulness of such behavior. That idea is implicit in the Constitutional prohibition against enacting *ex post facto* laws. In practice, our laws are published immediately upon their enactment so that they may be known to the people.

If the President approves a bill, or allows it to become law without signing it, the original enrolled bill is sent from the White House to the Archivist of the United States for publication. If a bill is passed by both Houses over the objections of the President the body that last overrides the veto likewise transmits it. There it is assigned a public law number, and paginated for the Statutes at Large volume covering that session of Congress. The public and private law numbers run in sequence starting anew at the beginning of each Congress, and since 1957 are prefixed for ready identification by the number of the Congress—that is, the first public law of the 101st Congress is designated Public Law 101-1 and the first private law of the 101st Congress is designated Private Law 101-1. Subsequent laws of this Congress also will contain the same prefix designator.

SLIP LAWS

The first official publication of the statute is in the form generally known as the "slip law". (See Figs. 11 and 16, pp. 64 and 70.) In this form, each law is published separately as an unbound

pamphlet. The heading indicates the public or private law number, the date of approval, and the bill number. The heading of a slip law for a public law also indicates the United States Statutes at Large citation. If the statute has been passed over the veto of the President, or has become law without the President's signature because he did not return it with objections, an appropriate statement is inserted in lieu of the usual notation of approval. (See Figs. 12 and 13, pp. 66 and 67.)

The Office of the Federal Register, National Archives and Records Administration, which prepares the slip laws, provides marginal editorial notes giving the citations to laws mentioned in the text and other explanatory details. The marginal notes also give the United States Code classifications, thus enabling the reader immediately to determine where the statute will appear in the Code. Each slip law also includes an informative guide to the legislative history of the law consisting of the committee report number, the name of the committee in each House, as well as the date of consideration and passage in each House, with a reference to the Congressional Record by volume, year, and date. A reference to Presidential statements—relating to the approval of a bill (or the veto of a bill when the veto was overridden and the bill becomes law)—is included in the legislative history in the form of a citation to the Weekly Compilation of Presidential Documents.

Copies of the slip laws are delivered to the document rooms of both Houses where they become available to officials and the public. They may also be obtained by annual subscription or individual purchase from the Superintendent of Documents, U.S. Government Printing Office.

Section 113 of title 1 of the United States Code provides that slip laws are competent evidence in all the courts, tribunals and public offices of the United States, and of the several States.

STATUTES AT LARGE

For the purpose of providing a permanent collection of the laws of each session of Congress, the bound volumes (which are called the United States Statutes at Large) are prepared by the Office of the Federal Register, National Archives and Records Administration. When the latest volume containing the laws of the first session of the 101st Congress becomes available it will be No. 103 in the series. Each volume contains a complete index and a table of contents. From 1956 through 1976, each volume contained a table of earlier laws affected. These tables were cumulated for 1956-1970 and supplemented for 1971-1975 in pamphlet form, and discontinued in 1976. From 1963 through 1974, each volume also contained a most useful table showing the legislative history of each law in the volume. This latter table was not included in subsequent volumes because, beginning in 1975, the legislative histories have appeared at the end of each law. There are also extensive marginal notes referring to laws in earlier volumes and to earlier and later matters in the same volume.

Under the provisions of a statute originally enacted in 1895, these volumes are legal evidence of the laws contained in them

and will be accepted as proof of those laws in any court in the United States.

The Statutes at Large are a chronological arrangement of the laws exactly as they have been enacted. There is no attempt to arrange the laws according to their subject matter or to show the present status of an earlier law that has been amended on one or more occasions. That is the function of a code of laws.

UNITED STATES CODE

The United States Code contains a consolidation and codification of the general and permanent laws of the United States arranged according to subject matter under 50 title headings, in alphabetical order to a large degree. It sets out the current status of the laws, as amended, without repeating all the language of the amendatory acts except where necessary for that purpose and is declared to be *prima facie* evidence of those laws. Its purpose is to present the laws in a concise and usable form without requiring recourse to the many volumes of the Statutes at Large containing the individual amendments.

The Code is prepared by the Law Revision Counsel of the House of Representatives. New editions are published every 6 years and cumulative supplements are published after the conclusion of each regular session of the Congress.

Twenty-two of the 50 titles have been revised and enacted into positive law, and 2 have been eliminated by consolidation with other titles. Titles that have been revised and enacted into positive law are legal evidence of the law and the courts will receive them as proof of those laws. Eventually all the titles will be revised and enacted into positive law, and thereafter they will be kept up to date by direct amendment.

APPENDIX

SELECT LIST OF GOVERNMENT PUBLICATIONS

- * Constitution of the United States of America, Analysis and Interpretation, with annotations of cases decided by the Supreme Court of the United States to July 2, 1982; prepared by the Congressional Research Service, Library of Congress, Johnny H. Killian, editor: Senate Document 99-16 (1987). Most recent supplement published: Senate Document 100-43 (1988).
- * House Rules and Manual:
Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, prepared by Wm. Holmes Brown, Parliamentarian of the House. New editions are published each Congress.
- * Senate Manual:
Containing the rules, orders, laws, and resolutions affecting the business of the United States Senate; Jefferson's Manual, Declaration of Independence, Articles of Confederation, Constitution of the United States, etc. Prepared under the direction of the Senate Committee on Rules and Administration. New editions are published each Congress.
- Hinds' Precedents of the House of Representatives:
Including references to provisions of the Constitution, laws, and decisions of the Senate, by Asher C. Hinds.
Vols. 1-5 (1907).
Vols. 6-8 (1935), as compiled by Clarence Cannon, are supplementary to vols. 1-5 and cover the 28-year period from 1907 to 1935, revised up to and including the 73d Congress.
Vols. 9-11 (1941) are index-digest to vols. 1-5.
- * Deschler's Precedents of the United States House of Representatives:
Including references to provisions of the Constitution and laws, and to decisions of the courts, covering the period from 1936 to date, by Lewis Deschler, J.D., D.J., M.P.L., LL.D., Parliamentarian of the House (1928-1974).
Vols. 1-8 have been published, additional volumes in preparation.
- * Cannon's Procedure in the House of Representatives:
By Clarence Cannon, A.M., LL.B., LL.D., Member of Congress, sometime Parliamentarian of the House, Speaker pro tempore, Chairman of the Committee of the Whole, Chairman of the Committee on Appropriations, etc.
- * Procedure in the U.S. House of Representatives, Fourth Edition (1982) (1987 Supplement):
By Lewis Deschler, J.D., D.J., M.P.L., LL.D., Parliamentarian of the House (1928-1974), and Wm. Holmes Brown, Parliamentarian of the House (1974—).
- * Senate Procedure:
By Floyd M. Riddick, Parliamentarian Emeritus of the Senate: Senate Document No. 97-2 (1981).
- Calendars of the House of Representatives and History of Legislation:
Published each day the House is in session; prepared under the direction of the Clerk of the House of Representatives.

* For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Committee Calendars:

Published periodically by most of the standing committees of the House of Representatives and Senate, containing the history of bills and resolutions referred to the particular committee.

* Digest of Public General Bills and Resolutions:

A brief synopsis of public bills and resolutions, and changes made therein during the legislative process; prepared by American Law Division, Congressional Research Service, Library of Congress, and published during each session in 5 or more cumulative issues with biweekly supplementation as needed.

* Congressional Record:

Proceedings and debates of the House and Senate, published daily, and bound with an index and history of bills and resolutions at the conclusion of each session of the Congress.†

Journal of the House of Representatives:

Official record of the proceedings of the House, published at the conclusion of each session under the direction of the Clerk of the House.

Journal of the United States Senate:

Official record of the proceedings of the Senate, published at the conclusion of each session under the direction of the Secretary of the Senate.

* United States Statutes at Large:

Containing the laws and concurrent resolutions enacted, and reorganization plans and proclamations promulgated during each session of the Congress, published annually under the direction of the Archivist of the United States by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

Supplemental volumes: Tables of Laws Affected, Volumes 70-84 (1956-1970), Volumes 85-89 (1971-1975), containing tables of prior laws amended, repealed, or patently affected by provisions of public laws enacted during that period.

Additional parts, containing treaties and international agreements other than treaties, published annually under the direction of the Secretary of State until 1950.

* United States Treaties and Other International Agreements:

Compiled and published annually since 1950 under the direction of the Secretary of State.

* Treaties and Other International Agreements of the United States of America, 1776-1949:

A consolidation of the texts of treaties and other international agreements prior to 1950, compiled under the direction of Charles I. Bevans, Assistant Legal Adviser, Department of State, volumes I-XIII (includes index).

* United States Code:

The general and permanent laws of the United States in force on the day preceding the commencement of the session following the last session the legislation of which is included: arranged in 50 titles; prepared under the direction and supervision of the Law Revision Counsel of the House of Representatives. New editions are published every 6 years and cumulative supplements are published annually.

* Federal Register:

Presidential Proclamations, Executive Orders, and Federal agency orders, regulations, and notices, and general documents of public applicability and legal effect, published daily. The regulations therein amend the Code of Federal Regulations. Published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

† The record of debates prior to 1874 was published in the *Annals of Congress* (1789-1824), The *Register of Debates* (1824-1837), and the *Congressional Globe* (1833-1873).

* Code of Federal Regulations:

Cumulates in bound volumes the general and permanent rules and regulations of Federal agencies published in the Federal Register, including Presidential documents. Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows: Titles 1-16 as of January 1; Titles 17-27 as of April 1; Titles 28-41 as of July 1; and Titles 42-50 as of October 1. Published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

* Weekly Compilation of Presidential Documents:

Containing statements, messages, and other Presidential materials released by the White House up to 5:00 p.m. Friday of each week, published every Monday by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

* Public papers of the Presidents of the United States:

Containing public messages and statements, verbatim transcript of the President's News Conference and other selected papers released by the White House each year, since 1945, compiled by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

Enactment of a Law, by Robert B. Dove, Parliamentarian of the Senate, under the direction of William F. Hildenbrand, Secretary of the Senate: Senate Document No. 97-20 (1981).

History of the United States House of Representatives, by Dr. George B. Galloway, Senior Specialist in American Government, Legislative Reference Service, Library of Congress: House Document No. 250 (1965).

The Senate, 1789-1989, Addresses on the History of the United States Senate, Vol. 1, by Senator Robert C. Byrd: Senate Document No. 100-20 (1988).

Historical Almanac of the United States Senate, by Senator Bob Dole: Senate Document No. 100-35 (1989).

Our American Government, What Is It? How Does It Function?
House Document No. 96-351 (1981).

[Figure 1—Introduced Print *]

101ST CONGRESS
1ST SESSION

H. R. 1722

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1989

Mr. SHARP (for himself, Mr. MOORHEAD, Mr. TAUZIN, Mr. DANNEMEYER, Mr. LELAND, Mr. FIELDS, Mr. SYNAR, Mr. OXLEY, Mr. RICHARDSON, Mr. NIELSON of Utah, Mr. BRYANT, Mr. BILIRAKIS, Mr. HALL of Texas, Mr. BARTON of Texas, Mr. WALOREN, Mr. CALLAHAN, Mr. SWIFT, Mr. BATES, Mr. COOPER, Mr. BRUCE, Mr. THOMAS A. LUKEN, Mr. WHITTAKER, Mr. SLATTERY, Mr. BLILEY, Mr. WYDEN, Mr. SCHAEFER, Mr. McMILLAN of North Carolina, Mr. WAXMAN, Mr. LENT, and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Natural Gas Decontrol
5 Act of 1989”.

* * * * * * *
(Sample copy of first page and end of last page of this 3-page introduced bill)

* * * * * * *

21 (b) PERMANENT ELIMINATION OF WELLHEAD PRICE
22 CONTROLS.—Title I of the Natural Gas Act of 1978 (15
23 U.S.C. 3311–3333) is repealed, effective on January 1,
24 1993.

*All illustrations in this document are reduced in size.

[Figure 2—Introduced Print of a Companion Bill *]

101ST CONGRESS
1ST SESSION**S. 783**

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

IN THE SENATE OF THE UNITED STATES

APRIL 13 (legislative day, JANUARY 3), 1989

Mr. JOHNSTON (for himself, Mr. McCLUBE, Mr. NICKLES, Mr. FORD, Mr. BINGAMAN, Mr. WALLOP, Mr. BREAUX, Mr. WIRTH, Mr. BOREN, Mr. SIMPSON, Mr. GARN, Mr. COATS, and Mr. GRAMM) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources.

A BILL

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be referred to as the “Natural Gas Well-
5 head Decontrol Act of 1989”.

*First page only.

[Figure 3—Reported Print]

Union Calendar No. 17

101ST CONGRESS
1ST SESSION

H. R. 1722

[Report No. 101-29]

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1989

Mr. SHARP (for himself, Mr. MOORHEAD, Mr. TAUZIN, Mr. DANNEMEYER, Mr. LELAND, Mr. FIELDS, Mr. SYNAR, Mr. OXLEY, Mr. RICHARDSON, Mr. NIELSON of Utah, Mr. BRYANT, Mr. BILIBAKIS, Mr. HALL of Texas, Mr. BARTON of Texas, Mr. WALGBEN, Mr. CALLAHAN, Mr. SWIFT, Mr. BATES, Mr. COOPER, Mr. BRUCE, Mr. THOMAS A. LUKE, Mr. WHITTAKER, Mr. SLATTEY, Mr. BLILEY, Mr. WYDEN, Mr. SCHAEFER, Mr. McMILLAN of North Carolina, Mr. WAXMAN, Mr. LENT, and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce

APRIL 17, 1989

Additional sponsors: Mr. ARCHER, Mr. BARTLETT, Mr. SMITH of Texas, Mr. COMBEST, Mr. DELAY, and Mr. ARMEY

APRIL 17, 1989

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
* * * * * *
 (Sample copy of beginning and end of this 4-page reported bill)

* * * * * *
6 (b) PERMANENT ELIMINATION OF WELLHEAD PRICE
7 CONTROLS.—Title I of the Natural Gas Act of 1978 (15
8 U.S.C. 3311-3333) is repealed, effective on January 1,
9 1993.

[Figure 4—House Committee Report *]

101ST CONGRESS 1st Session	} HOUSE OF REPRESENTATIVES	{ REPORT 101-29
-------------------------------	----------------------------	--------------------

NATURAL GAS DECONTROL ACT OF 1989

APRIL 17, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DINGELL, from the Committee on Energy and Commerce, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 1722]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price controls on the first sale of natural gas, and to make technical and conforming amendments to such Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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*First page only.

[Figure 5—Engrossed Bill *]

101ST CONGRESS
1ST SESSION

H. R. 1722

AN ACT

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Natural Gas Wellhead
5 Decontrol Act of 1989”.

* * * * *

(Sample copy of part of first page and last page of this 8-page bill)

* * * * *

1 (A) by striking “AUTHORITY TO PRESCRIBE
2 LOWER” and inserting in lieu thereof “AUTHOR-
3 ITY TO PRESCRIBE”; and

4 (B) by striking “which does not exceed the
5 applicable maximum lawful price, if any, under
6 title I of this Act”.

Passed the House of Representatives April 17, 1989.

Attest: DONNARD K. ANDERSON,
Clerk.

*Printed on blue paper.

[Figure 6—Senate Referred (“Act”) Print]

101ST CONGRESS
1ST SESSION**H.R. 1722****IN THE SENATE OF THE UNITED STATES**

APRIL 18 (legislative day, JANUARY 3), 1989

Received; read twice and referred to the Committee on Energy and Natural
Resources**AN ACT**

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Natural Gas Wellhead
5 Decontrol Act of 1989”.

* * * * *

(Sample copy of part of first page and last page of this 8-page bill)

* * * * *

1 (A) by striking “AUTHORITY TO PRESCRIBE
2 LOWER” and inserting in lieu thereof “AUTHOR-
3 ITY TO PRESCRIBE”; and

4 (B) by striking “which does not exceed the
5 applicable maximum lawful price, if any, under
6 title I of this Act”.

Passed the House of Representatives April 17, 1989.

Attest: DONNALD K. ANDERSON,

Clerk.

[Figure 7—Senate Reported Print]

Calendar No. 77

101ST CONGRESS
1ST SESSION

H. R. 1722

[Report No. 101-39]

IN THE SENATE OF THE UNITED STATES

APRIL 18 (legislative day, JANUARY 3), 1989

Received; read twice and referred to the Committee on Energy and Natural Resources

MAY 31 (legislative day, JANUARY 3), 1989

Reported by Mr. JOHNSTON, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Natural Gas Wellhead
5 Decontrol Act of 1989”.

* * * * *

(Sample copy of first page and end of last page of this 8-page bill)

* * * * *

5 (A) by striking “AUTHORITY TO PRESCRIBE
6 LOWER” and inserting in lieu thereof “AUTHOR-
7 ITY TO PRESCRIBE”; and

8 (B) by striking “which does not exceed the
9 applicable maximum lawful price, if any, under
10 title I of this Act”.

Passed the House of Representatives April 17, 1989.

Attest: DONNARD K. ANDERSON,
Clerk.

[Figure 8—Senate Committee Report *]

Calendar No. 77

101ST CONGRESS }
1st Session }

SENATE

{ REPORT
101-39

NATURAL GAS WELLHEAD DECONTROL ACT OF 1989

MAY 31 (legislative day, JANUARY 3), 1989.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 1722]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act, having considered the same, reports favorably thereon with amendments and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. On page 2, line 6, strike “(2), (3), and (4),” and insert “(2), and (3),”.
2. On page 3, strike lines 10 through 15.

PURPOSE OF THE MEASURE

The purpose of H.R. 1722 is to promote competition for natural gas at the wellhead in order to ensure consumers an adequate and reliable supply of natural gas at the lowest reasonable price. H.R. 1722 does so by amending the Natural Gas Policy Act of 1978 (NGPA) to repeal on January 1, 1993, all remaining price and non-price controls on the first sale (generally, the wellhead or producing field sale) of natural gas.

In certain circumstances, H.R. 1722 also decontrols first sale transactions earlier than January 1, 1993. The bill would decontrol

*First page only.

[Figure 9—Conference Committee Report]

101ST CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
101-100

NATURAL GAS WELLHEAD DECONTROL ACT OF 1989

JUNE 22, 1989.—Ordered to be printed

Mr. DINGELL, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 1722]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendments as follows:

* * * * *

(Sample copy of part of first page and page 2 of conference report)

* * * * *

And the Senate agree to the same.

JOHN D. DINGELL,

PHILIP R. SHARP,

BILLY TAUZIN,

NORMAN F. LENT,

CARLOS MOORHEAD,

Managers on the Part of the House.

J. BENNETT JOHNSTON,

DALE BUMPERS,

WENDELL H. FORD,

JAMES A. MCCLURE,

PETE DOMENICI,

Managers on the Part of the Senate.

[Figure 9—Continued]

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF
CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and non-price controls on the first sale of natural gas, and to make technical and conforming amendments to such Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

With one exception, the provisions of H.R. 1722 as approved by the House and as amended and approved by the Senate are identical.

* * * * * * *

(Sample copy of part of page 3 and last page of this 4-page conference report)

* * * * * * *

CONFERENCE COMPROMISE

After careful consideration, the conferees have agreed to the following compromise:

Deliveries of natural gas produced from wells spudded after the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989 will be decontrolled on May 15, 1991.

This is a compromise between the House bill which decontrols such gas on enactment (approximately July 1, 1989), and the Senate bill which decontrols such gas on January 1, 1993. This provides a period for transition and equity purposes to both sellers and buyers of gas under existing contracts.

The conferees recognize that by virtue of this provision, some low cost controlled gas may move up in price, and some costly controlled gas may move down. As with all other provisions of the legislation, the conferees intend that no contract for a "first sale" of natural gas be abrogated by this provision; instead, the conferees intend that applicable contracts and contract law shall continue to govern first sales of gas from newly spudded wells.

JOHN D. DINGELL,
PHILIP R. SHARP,
BILLY TAUZIN,
NORMAN F. LENT,
CARLOS MOORHEAD,

Managers on the Part of the House.

J. BENNETT JOHNSTON,
DALE BUMPERS,
WENDELL H. FORD,
JAMES A. MCCLURE,
PETE DOMENICI,

Managers on the Part of the Senate.

[Figure 10—Enrolled Bill Signed by President]

PUBLIC LAW 101-60

H. R. 1722

One Hundred First Congress of the United States of America

AT THE FIRST SESSION

*Began and held at the City of Washington on Tuesday, the third day of January,
one thousand nine hundred and eighty-nine*

An Act

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Gas Wellhead Decontrol Act of 1989".

SEC. 2. DEREGULATION OF FIRST SALES OF NATURAL GAS.

(a) INTERIM ELIMINATION OF CERTAIN MAXIMUM LAWFUL PRICES.—Section 121 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3331) is amended by adding at the end the following new subsection:

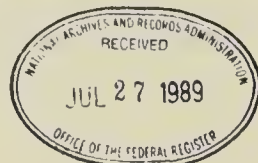
"(f) ADDITIONAL DECONTROL.—The provisions of subtitle A respecting the maximum lawful price for a first sale of natural gas shall cease to apply to natural gas described in paragraphs (1), (2), (3), and (4), as follows:

"(1) EXPIRED, TERMINATED, OR POST-ENACTMENT CONTRACTS.—In the case of natural gas to which no first sale contract applies on the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, subtitle A shall not apply to any first sale of such natural gas delivered on or after the first day after such date of enactment.

"(2) EXPIRING OR TERMINATING CONTRACTS.—In the case of natural gas to which a first sale contract applies on the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, but to which such contract ceases to apply after such date of enactment, subtitle A shall not apply to any first sale of such natural gas delivered after such contract ceases to apply.

"(3) CERTAIN RENEGOTIATED CONTRACTS.—In the case of natural gas to which a first sale contract applies on the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, where the parties have expressly agreed in writing after March 23, 1989, that all or part of the gas sold under such contract shall not be subject to any maximum lawful price under subtitle A after a specified date, subtitle A shall not apply to any first sale of the natural gas subject to such express agreement delivered on or after the date so specified, except that subtitle A shall not cease to apply to any such natural gas pursuant to this paragraph before the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989.

"(4) NEWLY SPUDDED WELLS.—In the case of natural gas produced from a well the surface drilling of which began after the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, subtitle A shall not apply to any first sale of such natural gas delivered on or after May 15, 1991.



[Figure 10—Continued]

H R. 1722—3

(3) Section 313 (15 U.S.C. 3373) is amended by inserting ", as such section was in effect on January 1, 1989" after "section 107(c)" both places it appears, and after "section 105(b)(3)(B)" both places it appears.

(4) Section 501(c) (15 U.S.C. 3411(c)) is repealed.

(5) Section 503 (15 U.S.C. 3413) is repealed.

(6) Section 504(a) (15 U.S.C. 3414(a)) is amended by striking "person" and all that follows through "to otherwise" and inserting in lieu thereof "person to".

(7) Section 601 (15 U.S.C. 3431) is amended—

(A) by amending subsection (a)(1)(A) to read as follows:

"(A) APPLICATION TO FIRST SALES.—For purposes of section 1(b) of the Natural Gas Act, the provisions of the Natural Gas Act and the jurisdiction of the Commission under such Act shall not apply to any natural gas solely by reason of any first sale of such natural gas.";

(B) by striking subparagraphs (B) and (E) of subsection (a)(1);

(C) by redesignating subparagraphs (C) and (D) of subsection (a)(1) as subparagraphs (B) and (C), respectively;

(D) in subsection (a)(1)(C) (as redesignated by subparagraph (C) of this paragraph), by striking "subparagraph (A), (B), or (C)" and inserting in lieu thereof "subparagraph (A) or (B)";

(E) by amending subsection (b)(1)(A) to read as follows:

"(A) FIRST SALES.—Except as otherwise provided in this subsection, for purposes of sections 4 and 5 of the Natural Gas Act, any amount paid in any first sale of natural gas shall be deemed to be just and reasonable."; and

(F) in subsection (b)(1)(D), by striking "if such amount does not exceed the applicable maximum lawful price established under title I of this Act".

(8) Section 602(a) (15 U.S.C. 3432(a)) is amended—

(A) by striking "AUTHORITY TO PRESCRIBE LOWER" and inserting in lieu thereof "AUTHORITY TO PRESCRIBE"; and

(B) by striking "which does not exceed the applicable maximum lawful price, if any, under title I of this Act".

Thomas S. Foley
Speaker of the House of Representatives.

Robert C. Byrd
~~Vice President of the United States and~~
President of the Senate, pro tempore

APPROVED

JUL 26 1989

Anthony B. ...

[Figure 11—Slip Law]

PUBLIC LAW 101-60—JULY 26, 1989

103 STAT. 157

Public Law 101-60
101st Congress

An Act

To amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such Act.

July 26, 1989

[H.R. 1722]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Gas Wellhead Decontrol Act of 1989".

Natural Gas
Wellhead
Decontrol
Act of 1989.
15 USC 3301
note.

SEC. 2. DEREGULATION OF FIRST SALES OF NATURAL GAS.

(a) INTERIM ELIMINATION OF CERTAIN MAXIMUM LAWFUL PRICES.—Section 121 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3331) is amended by adding at the end the following new subsection:

"(f) ADDITIONAL DECONTROL.—The provisions of subtitle A respecting the maximum lawful price for a first sale of natural gas shall cease to apply to natural gas described in paragraphs (1), (2), (3), and (4), as follows:

"(1) EXPIRED, TERMINATED, OR POST-ENACTMENT CONTRACTS.—In the case of natural gas to which no first sale contract applies on the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, subtitle A shall not apply to any first sale of such natural gas delivered on or after the first day after such date of enactment.

"(2) EXPIRING OR TERMINATING CONTRACTS.—In the case of natural gas to which a first sale contract applies on the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, but to which such contract ceases to apply after such date of enactment, subtitle A shall not apply to any first sale of such natural gas delivered after such contract ceases to apply.

"(3) CERTAIN RENEGOTIATED CONTRACTS.—In the case of natural gas to which a first sale contract applies on the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, where the parties have expressly agreed in writing after March 23, 1989, that all or part of the gas sold under such contract shall not be subject to any maximum lawful price under subtitle A after a specified date, subtitle A shall not apply to any first sale of the natural gas subject to such express agreement delivered on or after the date so specified, except that subtitle A shall not cease to apply to any such natural gas pursuant to this paragraph before the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989.

"(4) NEWLY SPUDDED WELLS.—In the case of natural gas produced from a well the surface drilling of which began after the date of enactment of the Natural Gas Wellhead Decontrol Act of 1989, subtitle A shall not apply to any first sale of such natural gas delivered on or after May 15, 1991.

[Figure 11—Continued]

PUBLIC LAW 101-60—JULY 26, 1989

103 STAT. 159

(3) Section 313 (15 U.S.C. 3373) is amended by inserting “, as such section was in effect on January 1, 1989” after “section 107(c)” both places it appears, and after “section 105(b)(3)(B)” both places it appears.

(4) Section 501(c) (15 U.S.C. 3411(c)) is repealed.

(5) Section 503 (15 U.S.C. 3413) is repealed.

(6) Section 504(a) (15 U.S.C. 3414(a)) is amended by striking “person” and all that follows through “to otherwise” and inserting in lieu thereof “person to”.

(7) Section 601 (15 U.S.C. 3431) is amended—

(A) by amending subsection (a)(1)(A) to read as follows:

“(A) APPLICATION TO FIRST SALES.—For purposes of section 1(b) of the Natural Gas Act, the provisions of the Natural Gas Act and the jurisdiction of the Commission under such Act shall not apply to any natural gas solely by reason of any first sale of such natural gas.”;

(B) by striking subparagraphs (B) and (E) of subsection (a)(1);

(C) by redesignating subparagraphs (C) and (D) of subsection (a)(1) as subparagraphs (B) and (C), respectively;

(D) in subsection (a)(1)(C) (as redesignated by subparagraph (C) of this paragraph), by striking “subparagraph (A), (B), or (C)” and inserting in lieu thereof “subparagraph (A) or (B)”;

(E) by amending subsection (b)(1)(A) to read as follows:

“(A) FIRST SALES.—Except as otherwise provided in this subsection, for purposes of sections 4 and 5 of the Natural Gas Act, any amount paid in any first sale of natural gas shall be deemed to be just and reasonable.”; and

(F) in subsection (b)(1)(D), by striking “if such amount does not exceed the applicable maximum lawful price established under title I of this Act”.

(8) Section 602(a) (15 U.S.C. 3432(a)) is amended—

(A) by striking “AUTHORITY TO PRESCRIBE LOWER” and inserting in lieu thereof “AUTHORITY TO PRESCRIBE”; and

(B) by striking “which does not exceed the applicable maximum lawful price, if any, under title I of this Act”.

Approved July 26, 1989.

LEGISLATIVE HISTORY—H.R. 1722 (S. 783):

HOUSE REPORTS: No. 101-29 (Comm. on Energy and Commerce) and No. 101-100 (Comm. of Conference).

SENATE REPORTS: No. 101-38 accompanying S. 783 (Comm. on Energy and Natural Resources) and No. 101-39 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 135 (1989):

Apr. 17, considered and passed House.

June 8, 9, 13, 14, considered and passed Senate, amended.

June 15, House disagreed to Senate amendments.

June 22, Senate agreed to conference report.

July 12, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):

July 26, Presidential statement.

[Figure 12—Act which became a law without approval by President]

PUBLIC LAW 101-131—OCT. 28, 1989

103 STAT. 777

Public Law 101-131
101st Congress

An Act

To amend section 700 of title 18, United States Code, to protect the physical integrity of the flag.

Oct. 28, 1989

[H.R. 2978]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Flag Protection
Act of 1989.
18 USC 700 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Flag Protection Act of 1989”.

SEC. 2. CRIMINAL PENALTIES WITH RESPECT TO THE PHYSICAL INTEGRITY OF THE UNITED STATES FLAG.

(a) IN GENERAL.—Subsection (a) of section 700 of title 18, United States Code, is amended to read as follows:

“(a)(1) Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.

“(2) This subsection does not prohibit any conduct consisting of the disposal of a flag when it has become worn or soiled.”.

(b) DEFINITION.—Section 700(b) of title 18, United States Code, is amended to read as follows:

“(b) As used in this section, the term ‘flag of the United States’ means any flag of the United States, or any part thereof, made of any substance, of any size, in a form that is commonly displayed.”.

SEC. 3. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

Section 700 of title 18, United States Code, is amended by adding at the end the following:

“(d)(1) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order issued by a United States district court ruling upon the constitutionality of subsection (a).

“(2) The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal and advance on the docket and expedite to the greatest extent possible.”.

[Note by the Office of the Federal Register: The foregoing Act, having been presented to the President of the United States on Monday, October 16, 1989, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become law without his signature on October 28, 1989.]

LEGISLATIVE HISTORY—H.R. 2978 (S. 607) (S. 1338):

HOUSE REPORTS: No. 101-231 (Comm. on the Judiciary).

SENATE REPORTS: No. 101-152 accompanying S. 1338 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 135 (1989):

Mar. 16, S. 607 considered and passed Senate.

Sept. 12, H.R. 2978 considered and passed House.

Oct. 4, 5, considered and passed Senate, amended.

Oct. 12, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):

Oct. 26, Presidential statement.

[Figure 13—Endorsements on Act which became a law after Presidential veto]

Public Law 100-259
March 22, 1988
100th Congress, S. 557

JIM WRIGHT

Speaker of the House of Representatives.

HARRY M. REID

Acting President of the Senate pro tempore.

IN THE SENATE OF THE UNITED STATES,

March 22 (legislative day, March 21), 1988.

The Senate having proceeded to reconsider the bill (S. 557) entitled "An Act to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964", returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

WALTER J. STEWART

Secretary.

I certify that this Act originated in the Senate.

WALTER J. STEWART

Secretary.

IN THE HOUSE OF REPRESENTATIVES, U.S.,

March 22, 1988.

The House of Representatives having proceeded to reconsider the bill (S. 557) entitled "An Act to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964", returned by the President of the United States with his objections, to the Senate, in which it originated, and passed by the Senate on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

DONNALD K. ANDERSON

Clerk.

[Figure 14—Reported Print of a Private Bill]

Private Calendar No. 47100TH CONGRESS
2D SESSION**H. R. 3439**

[Report No. 100-552]

For the relief of Marisela, Felix, and William [Doe].

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 1987

Mr. FUSTER introduced the following bill; which was referred to the Committee
on the Judiciary

MARCH 31, 1988

Committed to the Committee of the Whole House and ordered to be printed

A BILL

For the relief of Marisela, Felix, and William [Doe].

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That Marisela, Felix, and William [Doe], the children of
4 Manual [Doe], a Secret Service agent who was killed in a
5 fire while on duty in the Dupont Plaza Hotel in Puerto Rico,
6 shall for the purposes of section 6(c) of the Act of Sep-
7 tember 30, 1950 (20 U.S.C. 241(c)), be considered to be chil-
8 dren residing with a parent employed by the United States
9 and thus be eligible to receive free public education arranged
10 by the Secretary of Education under such section.

[Figure 15—House Committee Report to accompany a Private Bill]

100TH CONGRESS 2d Session	HOUSE OF REPRESENTATIVES	REPORT 100-552
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MARISELA, FELIX, AND WILLIAM [DOE]

MARCH 31, 1988.—Committed to the Committee of the Whole House and ordered to be printed

Mr. FRANK, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 3439]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3439), for the relief of Marisela, Felix, and William [Doe], having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 3439 authorizes the Secretary of Defense to allow the children of a secret service agent killed while on duty to attend school at a military facility in Puerto Rico.

BACKGROUND

On December 31, 1986, Special Agent Manual [Doe], who was assigned to the San Juan Office of the U.S. Secret Service, was killed in the line of duty at the Dupont Plaza Hotel fire in San Juan. At the time of his death, Mr. [Doe] was conducting an investigation in the manager's office when fire and explosions broke out. The fire quickly engulfed the lower level of the hotel, and Special Agent [Doe] died of smoke inhalation. He was killed in the line of duty and was survived by a wife and three children.

Following his death, the family was notified by the Defense Department that his three children were no longer eligible to attend the Antilles Consolidated Military School System due to the fact that the children were no longer dependents of a federally employed person in Puerto Rico.

* * * * *

(Sample copy of part of first and second pages of this 4-page House report)

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COMMITTEE ACTION

The Committee on the Judiciary on March 15, favorably reported by voice vote H.R. 3439 to the House. The Committee concluded that the children of Special Agent Manual [Doe] should be authorized to continue attending school in a military facility operated by the Department of Defense. Therefore, the Committee recommends that the House favorably consider H.R. 3439.

[Figure 16—Slip law of a Private Law]

PRIVATE LAW 100-11—MAY 5, 1988

Private Law 100-11
100th Congress

An Act

For the relief of Marisela, Felix, and William [Doe].

May 5, 1988

[H.R. 3439]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Marisela, Felix, and William [Doe], the children of Manual [Doe], a Secret Service agent who was killed in a fire while on duty in the Dupont Plaza Hotel in Puerto Rico, shall for the purposes of section 6(c) of the Act of September 30, 1950 (20 U.S.C. 241(c)), be considered to be children residing with a parent employed by the United States and thus be eligible to receive free public education arranged by the Secretary of Education under such section.

Manual
[Doe].

Approved May 5, 1988.





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